When we went him down there, I said I recognized—you the button.

Who did you say that to.

To the men or people down there that day.

You said that down there, did you.

Yes sir.

Who did you say it to.

I could not say. I did not say it to one any more than the other. I said that to the same man that was in the house that afternoon, because I recognized the button.

Was that the only way you recognized him.

No, not particularly.

Did you recognize him any other way.

I noticed the button quicker than anything else, he was all bloody, and I could hardly recognize his face.

Did you turn to Miss Scott, and say you recognized the button.

Yes sir.

Did she make any reply to it at all.

I could not say about that.

Did you say anything else to anybody about recognizing that button.

No sir, not until the gentlemen in the room that time.

I will ask you again what was the conversation you had with this gentleman at the time you talked with him about the button.

I told him that gentleman was in the house this afternoon.

You told this man who was with Col. Savage.

Yes, sir.

What reply did he make.

I told him I noticed the Harrison button on his coat, and he spoke about giving it to him, and I told him that it was turned up around the edges, and he said that was the same button he bought and give to him.

That was the end of the conversation.

Yes sir.

Did this man or Col. Savage then ask you what time of the day Mayor Miller had been there.

Not to my knowledge.

You would remember it, wouldn't you, if they had asked you.

Well, yes, they didn't say anything to me, had to go to the door most all the time.

Did this man ask you who was with him.

They asked me what kind of looking men were.

I am talking about this man who was talking about the button. After you told him about the button, you say he did not ask you what time he was there.

I could not say as to that.

You could say whether he asked you what time he was there.

No sir.

Did he ask you if any one was there with him.

Yes sir.

What reply did you make.

We told him—

Who is we.

Miss Lou Scott—

Did you tell him.

I told him there was a dark complected man—a tall fellow and a heavy set fellow.

Did he ask you if they had been drinking, or apparently had been drinking.

I could not say as to that, I could not say that he asked me that.

Could you say that he didn't ask you that.

I would not say he did or didn't.

Did he ask you to come and sit down and talk with him about it. When he learned from you that Mayor Miller had been there that day.

No sir.

Did he turn and speak to anybody about it when you told him, didn't he turn to Col. Savage, 'here is a woman that saw Mayor Miller of our city to-day!'

I didn't hear him say that.

Did he say anything about it.

Not to my knowledge.

If he had in your presence and hearing, you would remember it wouldn't you.

Yes sir.

Did you tell that a dark complected man was with him.

A told him I had seen him.

Did he ask you who he was.

No sir.

He didn't ask you who he was.

No sir.

When you told him you had seen this man, he never asked you another question.

No sir.

He didn's ask if you had seen this man in South Omaha.

No sir

He didn't ask you where, you had seen this man.

No sir.

You did not tell him this man's name was Dick Berlin, and lived in South Omaha.

No sir.

You didn't tell him that you had seen this man standing right over the spot where you afterwards saw Miller's body, did you.

No sir.

And you didn't tell him you saw the man in light clothes stand there and fire the shot down, did you.

No sir.

Why didn't you tell him.

He didn't ask me.

You saw the dead body of Mayor Miller, and recognized it as the man you knew.

I saw it once before.

You saw it lying there in its own blood and gore.

Yes sir.

And you saw a button upon him and recognized it afterwards?

Yes sir.

You had seen him in company with these men that day?

Yes sir.

And you knew Col. Savage of South Omaha?

No sir.

You knew who he was?

No sir.

Didn't you say you knew who he was.

I didn't know it was Col. Savage.

You know he lived in South Omaha.

Yes sir.

You had seen him before?

No sir.

You learned that night he lived in South Omaha?

Yes sir.

You knew that this gentleman who was with him lived in South Omaha?

Yes sir.

They were there inquiring of Mayor Miller?

Yes sir.

They were ostesibly for the purpose of seeing how Mayor Miller came to his death?

Yes sir.

And you knew they were there for that purpose?

Yes sir.

They both talked to you about it?

No sir.

Only one?

Yes sir.

Chief Hayes talked to you about it?

No sir.

Didn't Detective Hayes talk to you about that?

No sir.

He went to that house, and never said a word to you about it?

Yes sir. He spoke to me.

You also learned in that house that night while Col. Savage was there that he was Mayor Miller's friend, didn't you state so a few minutes ago?

Yes sir, they all apparently were friends.

Didn't Col. Savage say he was a friend of Miller's.

Yes sir.

And didn't you hear him say so?

Yes sir.

You heard this other gentleman say so, didn't you?

Yes sir.

And you knew he was a friend of Miller's?

Yes sir.

And you knew you had seen this man Hayes standing on that bank and fire down in that hollow?

Yes sir.

And you knew then, didn't you, that he had killed Mayor Miller? you knew it didn't you.

I didn't know it.

But you knew the circumstances pointed to it so directly that you could not have been mistaken.

It seemed that way afterwards.

It seemed to you that way—

Yes sir.

And it seemed to you right then that this man was a murderer.

I could not just exactly say, I did not think at the time that he was killing anybody.

At the time he was shot, you didn't think so.

After they found Mr. Miller, then I thought so.

It came to you that Hayes shot him.

Yes sir.

It came to you that Berlin had gone and looked on his bleeding and dying body.

Yes sir.

And then you went and found his friends in your house inquiring after the men who brought him to his death.

Yes sir.

Hunting for the cause of his death, didn't you.

Yes sir.

And you sealed your lips, and never told them one word, didn't you.

Yes sir.

What unsealed your lips. What unsealed your lips. Will you answer that. Let me ask, was it money that unsealed your lips.

No sir.

What did unseal your lips?

I felt like I ought to tell it, it worried me.

Now long afterwards were you in feeling like you ought to tell it, until you felt like you ought to tell it!

I felt all the time like I ought to tell it!

You felt that way that night, didn't you?

Well, there didn't nobody seem to press it on my mind that they wanted to talk to me, and I didn't feel like telling them all about it!

Had you yourself been to any trouble.

Not like that.

Had you ever had a friend that had been in any trouble?

No sir.

Who was the first person that you ever told it to?

The sheriff of this city.

Sheriff Bennett!

No sir, a deputy sheriff of this city.

Who was that?

Mr. Thompson.

What is his first name?

Frank, I think.

How long afterwards?

It might have been two weeks and it might have been longer, I could not exactly say.

You read the daily papers, did you?

Sometimes.

Don't you usually read the papers?

Sometime I am busy and cannot. Sometimes I do and sometimes I do not.

Did you take any interest in this case?

No sir.

You didn't read about it?

No sir.

Was you at the coroner's inquest?

No sir.

You never were near by there?

No sir.

Was Col. Savage in your house more than once.

Only once that I seen.

He was there only one time.

That was all.

Was Officer Hayes there more than once?

I could not say to that, he is around real often.

I mean Detective Hayes?

That is who I mean.

Was Tom Hayes, his brother, there more than once, Officer Tom Hayes?

He is there quite often.

I mean in connection with this case

No—they said—

I am not asking what they said, were they there—how often was Detective Hayes there to talk about this case that you know of?

I could not say only the one time.

Was Officer Tom Hayes there more than once?

I could not say.

Did you ever tell the gentleman standing there, about this. Answer me quick, did you even tell him? (indicating Major Showalter).

No sir, I never.

Did he ever interview you about it?

I met him with the gentlemen—

Did you ever meet him, when did you meet him?

One day last week. I could not say just what time it was.

Did you then tell him all about this?

No sir.

Did you tell him anything about it.

No sir.

Did you know him in Fremont.

I have seen him?

Didn't you know him in Fremont.

I have heard the name, but I could not say I knew the gentleman.

Had you ever met him?

I had seen him.

Had you ever talked with him?

I could not say I had.

Could you say you have not!

I could say I don't think I ever did.

The first person you say you told about this was Deputy Sheriff Thompson, was it?

Yes, sir.

Do you know the gentleman standing there by the door?

Mr. Hayes?

Yes, sir.

Yes, sir.

He was there at your house that night?

Yes, sir.

And he never asked you one word about whether Mayor Miller had been there?

Not direct to me.

He did not ask you directly?

No sir.

Did you hear him ask anybody?

I heard him ask Miss Scott.

What reply did she make to that?

I could not say.

You went to the door?

I was in the house, I could not just exactly say whether I did or not.

Did you go up stairs and change your clothes?

I don't know as to that, I may have done it and may not, I could not say.

Do you know whether Lou Scott made any reply or not.

She talked to him, Mr. Hayes can tell you.

I am asking you.

I don't know. I could not say.

Did you not hear her answer?

Miller had been killed or words to that effect?

I could not say as to that, they were talking about these gentlemen. I could not say whether he directly asked her about Mayor Miller or not.

Did you hear him ask Miss Scott if she had seen that gentleman who was shot that day? had seen him in the house.

I could not say to that. I didn't set in the room long enough to pay any attention, I know Hayes went in and talked, I could not say what they said.

It was not troubling you very much?

I had something else to do then.

What did you have to do?

I don't know now, I had to be around the house.

What were you doing?

I was first up stairs and down stairs.

Don't you know that Officer Hayes was the first officer who was there to interview the inmates of the house?

I could not say.

But you do say that he never talked to you about this matter?

He never talked direct to me, I have heard him talk in my presence, but he never talked to me.

Never asked you one question, did he?

No sir.

And the only thing you ever heard Officer Hayes say about this matter was to somebody else in your presence?

Yes sir.

Who did you ever hear him ask anything in your presence?

Mr. Hudson was with him one time.

He wasn't asking him, was he?

No.

Who did he ask in your presence?

Miss Scott.

Anybody else?

No sir.

Was Miss Davis there in the house?

Yes sir.

Did he interview her?

No sir.

He made no inquiry at that time?

No sir.

How many times did you ever hear Officer Hayes make any inquiries?

I could not say to that, either.

Did you ever hear him ask any one but Miss Scott

No sir.

How many people did you ever hear him ask about it?

I didn't hear him ask anybody except Miss Scott.

Then you can say as to that, can't you?

Yes sir, he asked Miss Scott.

And that was the only one he asked?

As far as I know, at the house there.

In your presence, I mean?

Yes sir.

Then he only asked her once in your presence?

I could not say as to that, he was in and out there quite often.

When was the first he was in?

That evening.

About what time?

I could not say.

Who let him in?

I did.

What did he say when he stepped into the door.

He asked me where Miss Scott was.

What reply did you make?

I told him she was in the parlor, and I would bring her in?

Did he go into the parlor?

Yes sir.

Was anybody in the parlor when he went there?

No sir.

Did you bring Miss Scott there?

She came, I don't know whether I called her—

But she came?

Yes, sir.

Did you tell her who wanted to see her?

I told her some man or Mr. Hayes, I don't know exactly which I told her?

They had been in there all evening that way and I could not exactly say.

She went into the parlor?

Yes sir.

Did you go in with her?

Yes sir, after Mr. Hayes went in.

Did you go in with Miss Scott?

No, she came in from the back parlor.

Where did you find her?

In the back parlor.

And you told her Officer Hayes were there?

Yes sir.

Did you go in the front parlor with her?

No sir.

Did you hear any conversation when she first went in there between her and Hayes?

No, I could not say, I know they talked, I could not say what they said.

Did he talk to you on the occasion of that visit, did he talk to you at all?

No sir, he didn't.

He didn't say a word to you except to ask where Lou Scott was?

That was all.

Did you on the occasion of his first visit there hear him ask Miss Scott any questions about this man who had been shot.

No sir, I went out. I could not say that I heard him say anything. Mr. Hudson was with him at I ain't mistaken and they pulled out and went something or a little back they were doing the writing, and she was doing the talking.

You didn't hear anything that was said?

No sir, I didn't pay enough attention.

Did you hear him then ask Miss Scott if this man who had been shot had been there that day?

I could not say that.

Could you say you didn't hear?

I don't remember now, it has been so long I could not remember!

How is that, you could not remember?

No, I don't remember what was said that time at all.

How long was he there? on the occasion of his first visit that evening?

I could not say.

Are you positive Miss Allen that on the occasion of his first visit he never asked you one question?

Yes sir.

Except as to where Miss Scott was?

Yes sir.

Did the officer who accompanied him ask you any questions?

No sir.

Not one question?

No sir.

You think it was Officer Hudson?

Yes sir, if I ain't mistaken.

You know Officer Tom Hayes, don't you?

Yes sir.

Did you see Chief Detective Hayes there again that evening?

I could not say, he was in and out two or three times.

If he was in and out you did see him?

Yes sir.

I asked you if you saw him after the first time?

Yes sir.

Who let him in?

I did.

Who accompanied him on his second visit?

I could not say to that.

Did anybody accompany him?

Yes sir.

Was it an officer of this city?

I could not say as to that?

When you let him in the second time, was there anybody else in the house, any other gentlemen?

I think there was, in the back part, I would not say for sure, positive, but I think there was.

Was Sheriff Bennett one of them?

I could not say, I did not know Mr. Bennett at the time?

You know him now, don't you?

Yes, but I don't remember of seeing him then.

You don't remember of his being in the house, do you?

No sir.

You do not remember that Sheriff Bennett was there in company with Col. Savage?

I could not say that, I did not know him then

But you do know him now?

Yes sir.

Do you know whether or not the gentleman whom you know as Sheriff Bennett now, was he at that house on that Tuesday night?

No sir, I could not say that he was or not.

You don't say anything about that?

No sir.

You don't say whether he talked to you or not?

No sir.

On the occasion of Hayes' second visit there, did he ask you any question?

No sir.

Didn't he ask you whether this man who had been shot had been at your house during the day?

No sir.

Did you hear him ask that question of anybody?

I could not say I did.

Could you say you did not?

I could not say I did, because I was not in the room when they were talking; I let them in, and went in the back parlor.

He never came to you then on the occasion of his second visit, and asked you any questions, did he?

No sir.

And Officer Vizard didn't, did he?

I don't know the gentleman?

The fact of the matter is that nobody ever did, except this one man from South Omaha? That is all I talked to—that is all that ever mentioned anything to me.

And the next person to whom you told this, that is that you had seen Mayor Miller at your house on that day was Deputy Sheriff Thompson?

Yes sir.

Did you say how long afterwards it might have been three, and might have been a month, I could not say.

Where did you meet him?

At the house.

Did you know him when he came to the house?

No sir.

What time did he come there?

Well, I could not say as to the time (the month or day either, it was in the evening.

Did he come with anybody?

Yes, sir.

Who was with him?

I could not tell.

Did you ever see the gentleman that was with him, or was it a lady?

It was a gentleman.

Have you ever seen the gentleman since?

Not that I know of.

You did not then know Thompson?

No, sir.

Was that the evening you told him of it?

Yes, sir.

The first evening that he was there?

Yes, sir.

The first evening he was there is the evening you told him about this?

The first evening he was there he spoke about Miller killing himself, and I said "people can have it that way if they want it, but I know better."

That was the first evening he was there?

Yes sir.

He was an absolute stranger to you?

Yes sir.

You did not know that he was deputy sheriff, did you?

No, sir.

When did you learn that he was deputy sheriff?

The same evening.

After you told him all this?

No, sir.

You learned he was deputy sheriff before you told him all this?

Yes, sir.

What reply did he make to you?

He told me he was an officer and I spoke about it and we didn't say anything more, and Mr. Sullivan came in and arrested him.

That was when he was arrested?

Yes, sir.

Did he show his star?

He may have after he went out of the house.

Did you see him have any star?

Not until after he came back from being arrested.

Did he come back after he had been arrested?

Yes, sir.

Did you talk with him further?

Yes, sir.

Was anybody present when you talked with him?

No, sir.

How long was he there the first time?

A few minutes.

Had he been drinking?

No, sir.

Was he intoxicated at all?

No, sir.

Had he been drinking any?

No, sir.

Did he send for any beer?

No, sir.

Did he spend any money in the house?

No, sir.

Did he stay all night there?

No, sir.

Then was the first time that you felt that it was your duty to tell this?

Well, he made a remark about Miller killing himself, and I said "people have it that way if they want to," I said "I think different." I says, "I know differently."

That was some two or three or four or five or six weeks afterwards?

Some place along there.

About how long since would you say was, before this?

Between two or three weeks, somewhere along there, maybe a month, he has been time, I think in his day book.

You say that he spoke to you about suicide of Mayor Miller?

Yes sir.

What was the first thing he said when he came in, the first words.

I could not say.

What was the first one you remember?

I could not say, I don't remember.

What is the direct word you remember now—the first thing?

I could not just exactly say what he did say first, I could not say.

What is the first thing you remember of?

I could not tell you to save me, just now.

Can you remember anything he said?

Nothing, only he was sitting talking to one of the ladies.

Who was he talking to?

I don't know which lady it was—he was talking to at the time.

Is that the same place where you are living now?

Yes sir.

What ladies were in the house at the time?

They come and go, some stay two or three days, some stay a week and some stay maybe a month or so, I could not say what ladies he was talking to.

At that time how many ladies were there?

I could not say.

Did they have more than one?

Yes sir.

More than two?

Two or three.

Don't you know who was there the first night Mr. Thompson was there?

No sir, to my knowledge, I could not tell you.

Can't you remember one person?

Hattie Davis was one.

That is the same one that had been with you on 8th street.

Yes sir.

And she is there now?

No sir.

Was she there the night Deputy Sheriff Thompson was there.

No sir.

Was she up about the house that night?

I could not say as to that night!

Do you know who else was there?

I could not say.

Was Lou Scott there?

Yes sir. She was sick in bed.

He did not talk in her presence?

No sir.

Then you did not talk to him in her presence?

No sir.

Had you been drinking that night?

No sir.

You say he hadn't been drinking.

No sir.

Now state all the conversation you had with him that night that you can remember.

I told him about the Mayor, then the gentlemen being there with him

Did you tell him that you knew one of them?

Yes sir.

Did you tell him what his name was?

I could not say as to that—I told him I knew him when I see him.

Did you tell him his name was Dick?)

I could not say what I told him.

He didn't ask you?

I could not say he did.

Did he ask you if you knew where he lived?

No, I don't think—I could not say as to that

Did you tell him where he lived?

I could not say as to that.

He did not ask you where he lived?

I could not say that he did the first time.

Didn't you tell him what this man's business was?

No sir—I told him he was a gambler.

And that is as much as you told him?

Yes, sir

When did you first tell him what his name was

He asked me how they looked; what kind of looking gentlemen they were; how they looked; and asked me if I would know them and asked if I knew where they lived, and I told him that I did not know where one of them lived, but I would know him if I would see him. He asked me if I knew where the other one lived, and I told him that he lived last winter in South Omaha to my knowledge he was there, I didn't know whether he lived there now.

Did he ask you if you knew what his name was?

Yes sir.

What did you tell him?

Dick Berlin.

Did you tell him that the first night?

No sir.

How long after the first time he was there was it you told him it was Dick Berlin?

I could not say, it may have been two or three nights.

Was it the second time he was there?

Yes sir.

And you told him this man's name was Dick Berlin?

One of them was.

And you told him that he lived in South Omaha?

Yes sir.

And was a gambler?

Yes sir, I told him he belonged in South Omaha last winter, I did not know whether he was there now or not, but he was there last winter, I had seen him there.

Where have you been from the 4th of October up to the present time, have you been here in the city all the time?

Yes sir.

Have you lived anywhere else.

No sir.

After the officers were there the first night, and up to the time of your talk with Thompson did you talk with anybody about the matter?

No sir.

Did you visit South Omaha?

Not until here lately.

So up to the time you told Thompson had you visited South Omaha.

From the time you first saw Thompson until the next time you saw him?

No sir.

You did visit South Omaha in his company?

Mr. Tompson?

Yes ma'am.

Yes sir.

And that was after you told him who Berlin was?

Yes sir.

Did you on the evening of the day that Mayor Miller was shot, didn't Officer Hays come to your house and ask you now if Berlin had been there during the course of the day, didn't he ask you? Answer that yes or no.

No sir, not to my knowledge, he didn't ask me direct

Direct or indirect, did he ask you?

No sir.

Didn't he ask you also on that occasion if Mayor Miller had in company with somebody else, been at your house that day?

No sir, he did not.

And to that question didn't you reply, "no he had not been there on that day?"

No, he didn't ask me anything of the kind.

You didn't make that reply?

No sir.

And didn't you in reply say that Mayor Miller in company with two men had been at your house on the day before, on Monday?

No sir.

And didn't you also in that same conversation tell him that you could describe the men, and describe them, didn't you also give him a description of them and state that you did not know either of them, didn't you say so to Hayes?

No sir.

And you didn't say anything of the kind to him?

No sir.

Didn't you have that kind of conversation with Officer Tom Hayes?

No sir.

Don't you say in the presence of Colonel Savage, or didn't you say it to this man alone, in conversation with them?

No sir. I didn't say it to anybody that Mr. Miller wasn't there that day.

Didn't you say that he had not been there that day but had been there the day before in company with two men that you did not know?

No, sir.

Didn't you say to Officer Hayes that you didn't see either one of those men on Tuesday?

No sir; I didn't.

Then you didn't say anything of that kind?

No sir.

Didn't you hear Officer Hayes there in the house on that evening ask Miss Scott Lou Scott, if Miller had been there during the course of that day, during that day, Tuesday?

I did not hear anything about Mr. Miller and Mr. Hayes and Miss Scott were talking.

Didn't you hear him ask that question. You can answer that yes or no?

No, sir.

And didn't you hear her answer, and didn't it in your presence and didn't she say, "no he wasn't here today, but Miller was here, that Mayor Miller was here yesterday"?

No, sir; I didn't hear anything of the kind.

Didn't you then hear her say that she didn't know who these men were that were with him the day before?

I didn't hear her say anything about them being there the day before at all.

You didn't hear her say anything of that kind?

No, sir.

You didn't have any conversation at that time in the presence of Colonel Savage of South Omaha?

No, sir.

BY MR. STRONG.

Madam, you say you never saw Mr. Miller, the defendant before that occasion?

I saw him, yes, sir.

Before that time?

Hayes?

Defendant, when you saw him on Tuesday with Miller and Berlin?

Did you ever seen him since until brought in this room?

Yes, sir.

Where?

South Omaha.

When?

Last Wednesday week.

Under what circumstance?

I was taken over there by an officer.

What officer?

The one I spoke about a few minutes ago.

Who was it?

I forget the name.

Take your time, I want an answer. Can't you answer without looking at that gentleman beyond Major Miller?

Mr. Thompson.

What is his business?

Deputy Sheriff, to my knowledge.

Who e deputy?

Mr. Thompson

Deputy sheriff of what county?

Dodge county.

Was Mr. Showalter with you?

No, sir.

Has Mr. Showalter talked with you since Thompson came down from Fremont county on this matter?

No, sir.

Did Mr. Thompson point out Mr. Hayes to you?

No, sir.

Did you ever meet him before?

Yes, sir.

But once?

Yes.

You told Mr. Thompson what the man's name was, didn't you?

What I heard his name was.

You told him that it was Hayes didn't you?

No, sir; I showed him the man.

Was that the first time you had seen him since the occasion you swear he discharged the pistol?

Yes, sir.

What day was that?

The day before Thanksgiving.

Were you taken there for the express purpose—you were taken there for the express purpose of seeing Hayes, were you not?

Yes, sir.

You say there were two men with Detective Hayes at the house of Lou Scott on the evening that Miller was found in the weeds, and that one you recognized as Colonel Savage, didn't you?

Yes, sir.

And the other man you say you didn't know at that time?

No, sir.

And that afterwards you saw him and didn't know him, until you were told what his name was; isn't that so?

The one that was with Mr. Savage?

Yes, and Mr. Hayes together.

I couldn't say that I heard his name?

I didn't ask anything about his name.

You stated that Chief Hayes came there with a gentleman who he recognized as Colonel Savage and another man?

Yes, sir.

And you didn't know who the other man was; never recognized him since, but since then you have learned that he was Sheriff Bennett; isn't that word for word as you stated it?

Yes, sir.

Can you tell how, never having seen Hayes but once, that you could recognize him without him being pointed out, and not recognize the sheriff?

I know Mr Hayes, I see him quite often.

When did you see Hayes quite often?

I have been in town for three years, I have seen him quite often.

I am talking about this defendant.

I don't mean that Heyes, I mean Detective Hayes.

Can you say how it is you would know Hayes on sight in South Omaha, and didn't know Sheriff Bennett afterwards?

I could not say that I seen Mr. Bennett down here.

Let me ask you when Sheriff Bennett came there, who was with him?

I could not say who was with him.

When detective Hayes came, he came with Colonel Savage and those three men?

Mr. Hudson was with him.

Those three gentlemen came with him the second time, didn't they?

I could not say Hayes was with Mr. Savage when he was there.

Turn back you memory; that evening that officer, Tom Hayes, came in with Chief Detective Hayes, you sat down and talked with Detectives Hayes and Officer Tom Hayes sat down and talked with Lou Scott?

No, sir.

And didn't they presently afterwards change positions and each officer talk to the other woman?

No, sir.

Didn't they ask you on that occasion about the man whom you recognized by that button?

No, sir; there was nothing said about him, only by the gentleman who bought the button.

Was there anything asked you about the dead man having been there that day?

No, sir.

Weren't you asked by those officers, and wasn't Miss Scott asked in your presence, whether or not three men had been there that day, describing them as nearly as possible, saying that one of them was Mayor Miller, and you said, "no, we didn't see them at all, but they were here yesterday, Monday?"

No, sir.

Nothing of that kind?

No, sir.

Did you recognize these gentlemen as one of the officers who were at the house?

Yes, sir.

Do you swear you didn't say that in words or substance that evening, on the 4th day of October, 1892, in Lou Scott's place?

Yes, sir; I say I didn't say anything about these men being there that day.

Didn't you tell him that they were not there on Tuesday, but were on Monday?

No, sir.

Nothing of that kind?

No, sir.

Didn't you tell that to Detective Hayes?

No, sir.

Wasn't Miss Scott asked in your presence whether those men had been there at all that day, Tuesday, and she in your presence answered, they had not been there on that day, but had been on Monday?

No, sir.

Didn't you deny totally to these officers when they questioned you, that neither Miller or the two men with him had been there on Tuesday?

No, sir.

Nothing of that kind?

No, sir.

Do you know Officer Vizard when you see him?

I could not say.

Stand up please, Mr. Vizard?

I know him, know his face.

Was he there at that time questioning you about this matter?

No, sir.

Was he there prosecuting inquiry of other inmates of the house in your hearing about this matter?

No, sir.

You spoke a minute ago of having lived in Fremont for a few years, please state what line of trade you were in?

I run a house of prostitution

During that time were you arrested?

Yes, sir.

During that time was Mr. Showalter marshal or an officer of the city?

He was marshal.

Didn't he arrest you more than once?

No, sir; not that I remember of.

Were you ever arrested and taken to the station while you were there?

I could not say as to that.

When did you first become acquainted with Mr. Showalter?

I could not say, I have seen him there and knew of him as being an officer of the city.

When did you first see him since the date that Mayor Miller was found in the weeds?

About a week ago.

Where did you see him?

To my knowledge, I met him up to Mr. Thompson's office.

How did you come to be up at Mr. Thompson's office?

I was there to see Mr. Thompson.

By appointment?

Yes, sir.

Where is his office?

On Fifteenth and Howard.

That is the office of the Deputy Sheriff of this county, is it?

Yes, sir; to my knowledge.

You have been accustomed to go there to see the officers of the law, have you?

I have been there three or four times to see the gentleman.

When was the first time you were there with reference to present date?

I could not say as to that, it was so far back.

Was it over a week ago?

Yes, sir.

Was it before the time that Mayor Miller died?

No, sir.

It was wholly since then?

Yes, sir.

Will you tell the occasion? Of meeting Mr. Showalter there?

I just accidently met him there.

You are sure of that are you?

Yes, sir.

Didn't you say within a moment that you met him there by appointment?

Not Mr. Showalter, Mr. Thompson.

You are sure of that?

Yes, sir.

Didn't I ask you what was the occasion of you meeting Mr. Showalter, and you said by appointment?

I meant Mr. Thompson.

In the early part of your testimony, you testified to a son, that would be about eleven years of age, is that boy with you?

No, sir.

What became of him?

He is here in town.

Have you any other children, and are they living?

They would certainly be dead if they were not living.

How did they die?

They died a natural death.

There was not any suspicion in regard to that?

I hardly think so, not that I know of.

Tell how far it was from the balcony of Lou Scott's house, 103 South Eighth street, to where you saw this man Hayes standing on the fourth of October?

I could not say.

Isn't it as much as a full block?

No, sir.

Nowhere like it?

No, sir.

Is it more than a block?

No, sir.

Isn't it true that right north and northwest of the Brandon house, which is next north of the Lou Scott house, there are weeds—it is all covered with high weeds, and was last October?

Yes, sir.

And those weeds are higher than a man's head?

No, sir.

Isn't it true that the south side of this basin, which would be the north line of Dodge street is paved or level to the grape, and a bank nearly as high as a man's head is up over the grade, before it descends down in the basin—you know the ground there, don't you?

Yes.

Isn't it true that on top of that bank that the sunflowers or wild weeds of that character were growing very thickly?

Yes, sir.

Very thickly?

No, not so very thickly.

Didn't you testify that above this porch at Lou Scott's old house there was a balcony?

There is a little roof over this porch.

Didn't you state that there was a balcony above?

There is a little roof over this porch.

To set on or stand on?

No, sir.

So the highest point of observation is the balcony upon the main front floor?

Yes, sir.

Is that where you were sitting at this time?

Yes, sir.

What time of a day was that?

Between twelve and one.

To whom did you first relate the circumstance of hearing this shot, and where?

This sick girl upstairs.

You called that out loud, did you?

Yes, sir.

Who did you tell next?

Nobody else.

When did you tell Miss Scott?

Never told her at all.

Then you say you kept it until your conscience troubled you, if I understand you?

Yes, sir.

When did your conscience commence to trouble you?

It bothered me all the time, I didn't feel right about it.

Was it troubling you that evening that the officers were present—the evening the man was found?

It was not.

How soon after that was it that your conscience awakened?

Two or three days after that—maybe a week.

When the officers were prosecuting their inquiries as to Mayor Miller's catastrophe there, you had no scruples about keeping quiet had you, although you knew or claimed you knew at the