

THE CONTEST.

A Case That Will Go Down in History.

A Remarkable Showing of Election Outrages in Omaha.

IT IS TRIED IN TWO CASES.

Boyd's Title to the Gubernatorial Chair Must Stand on Its Own Merits.

BOYD ADVISES AND USES VIOLENCE.

He Beats a Voter With a Club-Incendiary Speeches to Foreigners.

A Historic Case.

The taking of testimony in what will go down in Nebraska's political annals as a celebrated case began Thursday. Not only will the people of Nebraska in years to come quote as a precedent the contests of the Independent candidates against the democratic candidate for governor and the republican candidates for the other state offices, but in will be a case for frequent reference for other states.

Pursuant to the notices of contests served according to the requirements of law, the taking of the testimony which will be laid before the legislature was begun Thursday forenoon. The attorneys for the contestants are Lamb, Ricketts & Wilson of Lincoln; Allen, Robinson & Reed of Madison; and V. O. Strickler of Omaha. The contestants are each represented by different counsel. Boyd is represented by Harwood & Ames of Lincoln, and John C. Cowin and John D. Howe of Omaha; Majors and Hill by C. L. Hall of Lincoln; Benton by L. W. Billingsley and D. G. Courtney of Lincoln; Hastings, by his partner McGlathie of Crete; Allen, by Gen. C. J. Dilworth of Hastings; Humphrey by H. M. Sullivan of Broken Bow and Theo. Darnall of Lincoln; Gouley, by J. K. Gouley of Pawnee City.

The useless complications that would result from the hearing of half a dozen cases involving the same matter and the same witnesses was dispensed of before the taking of testimony was begun by the signing of the following stipulations:

In the matter of the contest in the case of W. H. Dech vs. Thomas J. Majors for lieutenant governor, of the state of Nebraska; C. N. Mayberry vs. John C. Allen for the office of secretary of state of the state of Nebraska; J. V. Wolfe vs. John E. Hill, for the office of treasurer of the state of Nebraska; John Baile vs. Thomas H. Benton, for the office of auditor of public accounts of the state of Nebraska; J. W. Edgerston vs. George H. Hastings, for the office of attorney-general of the state of Nebraska; W. E. Wright vs. Augustin R. Humphrey, for the office of commissioner of public lands and buildings of the state of Nebraska; A. D'Allemand vs. Alexander K. Gouley, for the office of superintendent of public instruction.

It is hereby stipulated and agreed by and between each of the above named contestants and contestees that the testimony of the witnesses in each of the above entitled contests shall so far as taken at Lincoln, Neb., be taken together before a notary public on behalf of each and all of the contestants, and before a notary public, on behalf of each and all of the above named contestees. The above named contestants shall be entitled to have one stenographer, and the above named contestees shall be entitled to have one stenographer.

Each of these said contestants and contestees may be represented by separate counsel in the taking of the evidence in the same manner as if taken in each of the cases separately. Each of the parties, contestants and contestees shall be entitled to take objections and exceptions to evidence in the same manner and with the same effect as if the evidence was taken in each case separately. In witness whereof the above named contestants and contestees have hereunto subscribed their names respectively.

Pursuant to these stipulations A. S. Tibbetts was selected by Boyd's attorneys and B. F. Johnson by Powers' attorneys. To try the contest on the other side Frank Waters was selected by the republican contestants and A. W. Scott by the contestees. N. S. Harwood conducted the examination for Boyd and V. O. Strickler, assisted by H. H. Wilson, for Powers. Mr. Harwood opened his defense by putting on record a general objection to the proceedings because the law does not provide for a contest for any election wherein no canvas of the returns has been made, as there is no authentic way of knowing who will be declared elected; second, because the law provides for the taking of testimony before one notary in one place, whereas in the present instance the notice calls for the taking of testimony before four different notaries in four different places; third, because the notice of contest had been served upon the contestees within the time fixed by the statute;

fourth, because the notice did not contain facts sufficient to constitute grounds for the contest.

The first witness called was Sam McLeod, who testified that he lived at 1444 South Twenty-eighth street in Omaha. Harwood objected to taking testimony in Lincoln about an Omaha election and made the same objection when each witness was called. McLeod testified: Saw no violence or any breach of the peace while at the polls; saw no one take tickets away from any one; a few days before the election witness was at a meeting of the ward republican club, and before the meeting came to order C. L. Chaffee said that if any prohibitionists attempted to challenge voters they ought to be clubbed away from the polls, and he would see that they would be clubbed.

The feeling was worked up to a pitch to allow no party to peddle amendment tickets at the polls; the leaders of the parties had agreed to allow no challenges. There was intimidation against these peddling amendment tickets. He was threatened for peddling republican tickets with the amendment on. The keeper of the dog pound in Omaha threatened

to kill a negro who had brought some prohibition workers to the polls if he did not take them away; they were not voters. Two other men were heard making threats. The men who made the threats were supporters of Boyd for governor; they assumed to control the polls, as if no one else had any rights. Their general tenor was foul and profane; they were personal rights men; many republicans scratched Richards' name and put on Boyd's; they were all for Boyd. Saw no tickets with pasters on; don't know that any were used. The police made no effort to control the crowd and did not seek to prevent these men from using foul and profane language, nor did the judges of election. This was in the first and third precincts of the Seventh ward.

Cross-examined by Harwood: Saw no men prevented from voting for Powers or Mr. Richards; heard no intimidation against voting for Richards or Powers; it was on all the amendment questions; the foul language and threats used was not directed against voters in those precincts and no one was prevented from voting.

Reside on South-Twenty-Third street, Omaha; am a qualified voter in the sixth district of the second ward; went to the polls at 10 a. m.; several persons were there, probably 100 or 150; am a Swedish Lutheran minister; think I saw persons wearing personal rights league badges, but am not certain as to that precinct; so also with Boyd badges; an effort was made to prevent me from voting; when I went to the polls there was no such tickets as I wanted; went to the third district to get such a ticket; returned in about two hours; some one had reported that I was a prohibitionist; they all rushed for me; had not my ticket fully prepared, and the crowd pushed me about so that I could not prepare it. Witness then went on to tell how the policemen at first declined to see the people pushing him, but finally stood and protected him with his club while he changed his ticket. Then the officer escorted him to the polls while he voted and then led him away and advised him to go home, as he would not answer for his safety. He had voted for Powers. As the officer led him away the crowd cried out:

"LET US KILL HIM," and "Let us go and hang him." He finally went home at the solicitation of friends who knew that he was a prohibitionist. At the third district he saw three men who were peddling amendment tickets struck. One had a dog thrown at him which struck him in the face. Another was pushed off the sidewalk into a hole and struck on his head. The assailants wore personal rights badges and were for Boyd. A policeman declined to arrest them. Witness was abused by the crowd which called him "the biggest rascal in the world." Saw tickets taken away from two men. The crowd threatened to arrest them, saying that they were peddling bogus tickets. It seemed to him that the police were in sympathy with the boisterous element.

Cross-examined: The tickets objected to had the names of Boyd, Richards and Powers upon them, and were objected to because they were for the amendment. A man who worked for a groceryman named Hunt afterwards told witness that Richards should not be voted for because he was for prohibition; saw no one prevented from voting for Powers; knew of no case in either of the precincts; was at one of the polls two hours.

Redirect: Saw no challenger in either of the precincts. Do not think it would have been safe to stand at the polls and challenge Boyd votes at the sixth ward. Recross: Do not know that it would not have been safe for a man who had made himself obnoxious to the crowd as a prohibitionist to stand at the polls and challenge Boyd votes or any other kind. In answer to Mr. Strickler witness said that in his opinion, had there been no prohibition question, Boyd would not have received nearly as many votes as he did. They said that Mr. Boyd had made pledges such that all who opposed prohibition favored him.

To Mr. Harwood: The city of Omaha was very much opposed to prohibition; never heard that Mr. Boyd had said in his speeches that if prohibition were adopted he would enforce it; didn't know that Mr. Boyd resided in Omaha; supposed his popularity was due to the fact that he stood in with the whisky ring; thought the whisky ring comprised the brewers and saloon keepers.

George W. Clark of 1509 North Twentieth street, Omaha, was sworn. Voted in the Sixth ward, second precinct, favored the amendment; was peddling all kinds of amendment tickets; various devices were indulged in to dispossess him of independent tickets, such as by soliciting tickets from him two or three at a time until he declined to give them out in that way, when they began to abuse him; couldn't say who abused him didn't know their names; saw no personal rights badges; the crowd kept demanding to see the tickets he was peddling; among the crowd was Henry Voss, who asked to see tickets; witness held them up in front of Voss' face, who threw his left arm over witness' right, grabbed his wrist and tore the tickets in two and scattered them to the wind, remarking: "That's the way to treat the boys." A little later some one took hold of witness' arm and, not fore-

ly nor very gently, drew him out of the crowd. Witness was clear the stranger remarked, "I want to give you an option." Witness asked what it was and the man, who professed to be a friend, told him, "You better get right out of here or you will

GET YOUR NECK STRETCHED." Witness, before he left, stepped up to Voss and remarked, "I will have you arrested as soon as I get down town." "All right," replied Voss, "I'll get in the buggy and go right down town with you." Witness thought it would have been unsafe to challenge Boyd votes, especially were the challenger a prohibitionist. A bunch of the torn tickets was identified and offered in evidence. From what witness saw and heard, Boyd was the favorite candidate with this mob.

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