

on them, and Powers, and Richards and Paine tickets? A. Yes, sir. Q. And those tickets that were taken out of your hands and torn up had Boyd's name on as well as Powers? A. Some of them, yes sir. Q. So far as you know you had as many tickets of the one man as of another? A. No, sir, I had more of the Powers tickets. Q. You were more particularly interested in Powers? A. Yes, sir, I was. Q. Promiscuously, the tickets that were taken out of your pocket and torn up had the names of all the candidates on? A. Yes, sir. Q. And if a man wanted to vote the democratic ticket you handed him a ticket? A. Yes, sir, if he requested a democratic ticket. Q. You did not reside in this ward? A. No, sir, I did not. Q. You didn't vote in this ward? A. No, sir. Q. Why didn't you peddle tickets in the ward in which you lived? A. Because my ward was sufficiently manned and it was so considered by our committee, and that was a ward where there were no workers, and I was sent there by the anti-prohibition committee, and also the request of our Independent club. Q. That was a very strong prohibition ward? A. I think so. Q. The strongest in the city? A. I don't know that I could say that. Q. Well, one of the strongest. A. Yes, sir, one of them. Q. You had no design in going over there to stir up strife? A. I had no desire to stir up any difficulty, no sir. Q. What time in the morning was it when you went there? A. It was probably half past nine when I first went there, or about that time. Q. And how long did you stay there? A. About five minutes. Q. How soon were you back at the polls? A. Well, we went over to the police station; I don't hardly know, it is probably eight or nine blocks, and reported the matter to the police, and we were driven back as soon as the patrol wagon could take up. Q. How long did you stay there? A. Probably five or ten minutes. Q. The second time? A. Yes, sir. Q. After that you did not go back? A. No, sir, and my reasons were however I was too badly hurt to go back; I was sick. Q. You heard the word that the chief of police would send a squad of fifty policemen? A. Yes, sir, but I was not able to go, and besides I didn't consider the police would protect me. Q. You didn't think the police would protect you? A. I didn't think they would, no, sir. Q. Did you see any one there prevented from voting for Powers at that poll? A. No, sir. Q. Or any other state officers? A. No, sir. Q. Was there any opposition to a free ballot there for any state officer? A. I don't know as to the ballot. Q. But so far as you know there was none. A. I had no opportunity to find out. Q. Have you the names of these people who assaulted you? A. No, sir. Q. Did you try to ascertain their names? A. I didn't, no. Q. Did you file any complaint against them? A. I didn't consider it necessary as the police officers had seen the acts done, and I did not consider I would get justice. Q. If you thought your life was in danger, you had the right to appeal to the courts? A. I didn't deem it necessary because I didn't think I would get justice. Q. You made no complaint against them? A. No, sir, I filed my complaint with the chief of Police. Q. Did you see those people that took the tickets away from you? A. Yes, sir. Q. Do you know the names of them? A. I do not. Q. Did you try to ascertain their names? A. No, sir; I reported them to the police and asked them to arrest them. Q. What ward did you go to after you left this? A. I went home. Q. You were not seriously injured? A. Well, I was confined to the house for a number of days. Q. From the injuries you received at what point? A. Do you mean the injuries I received at what point? Q. Yes, sir, you stated you were stoned? A. Yes, sir, that was at Sixteenth and Williams. Q. What is the injury you received from missiles thrown at you? A. Well, I got an injury on the body at a point where I least expected it. I was struck on the back of the head and knocked down to the pavement and skinned my knee, and I didn't think it was serious until I was out for a couple of days and it swelled up and became inflamed so I was confined to the house on account of a stiff leg. Q. And that was received two blocks away from the polling place? A. About two blocks. Q. What were the names of the policemen who were there the first time you were there and who failed to protect you? A. I don't know. Q. Did you make an effort to ascertain their names? A. I didn't. I know the policeman by sight when I see him. Q. You voted at your own precinct before you went there? A. Yes, sir. Q. That was in the Sixth ward? A. Yes, sir. Q. Did any one object to your ballot at the time you voted? A. They did not. Q. And these tickets you were distributing had simply "For the amendment" printed on them? A. Yes, sir. Q. They did not contain both "For" and "Against"? A. No, sir. Q. And from your observation there, at the time you were at the polls, it is a fact, is it not, all the excitement and all the difficulty grew out of the prohibition question? A. I could not say as to that. Q. You saw no wrangling and no contest over the officers? A. I don't know what was over, I think the most of it, as I said before, the most of the difficulty was on account of the amendment. Q. You stated you saw some personal rights leaguers who had the Boyd badge on? A. Yes, sir. Q. How many? A. I do not know. Q. Did you see any republican badges? A. Not on personal rights league men. I don't think I saw any republican badge; I don't remember of seeing any. Q. How many men did you see there having Boyd badges who also had personal rights league badges? A. I could not say as to the number. Q. What is your best recollection?

A. It was a promiscuous crowd and there was a great many who had personal rights badges; personal rights league is the right name I believe. Q. Did you know the men who wore them? A. No, sir. Q. You do not know the name of a person who had those badges on? A. I do not, sir. Q. You never made any effort to ascertain their names? A. No, sir. RECURRENT EXAMINATION. By Mr. Strickler. Q. Was it not understood in Omaha that Boyd was the candidate of the anti-prohibitionists? Mr. Harwood objects as irrelevant and not a part of the specifications. Overruled. Exceptis. A. Well, from what I heard and what I believe myself, I think so. Excluded. Charley B. Elton, of lawful age, being first duly sworn, testified as follows: Examined by H. H. Wilson, Esq., on behalf of the contestants. Q. Where do you reside? A. In the sixth ward, 33rd and Taylor streets. Q. In what city? A. Omaha, Nebraska. Q. How long have you lived in Omaha? A. I have lived at that place for about 20 years. Q. What is your business? A. Gardening. Mr. Harwood objects to the taking of the testimony of this witness for the same reasons as those to the evidence of the witness, Prugh. Q. Are you acquainted with the witness who was just sworn, Mr. Prugh? A. Yes, sir. Q. Were you with him on the 4th of November; election day, last November? A. Yes, sir. Q. Had you been to the polls in the Fourth ward before you went there with him? A. No, sir. Q. That is the Second ward is it? What ward is it you went with him to? A. We were told it was the Fourth district of the Second ward, 16th and Williams street. Q. The first you were there you went with him? A. Yes, sir. Q. When you went there what did you find about the polls? A. I found quite a large crowd there. Q. Did you see any badges worn there by those in the crowd? A. Yes, sir. Q. What were they? A. Personal rights. That is all I remember of seeing. Q. Now, how long were you there at that time? A. Only a few minutes. Q. What was the occasion of your going there? A. We went there, at least I did, for the simple purpose of doing what I could for the prohibition amendment. Q. At whose instance? A. Mr. Prugh the day before requested me; he said he would like somebody to go down with him tomorrow, that was Monday, and I says, "What is the matter with me?" and he said, "All right, I would rather have you go than anybody else," and I said, "Then I will go," and I went with him. Q. How long did you stay the first time? A. Only a few minutes, perhaps a quarter of an hour. Q. State what occurred to you while you were there that time? A. Well at first there was a man came up and wanted to see what kind of tickets we had and we let him see them and he said they were bogus; then others came along and they saw we had prohibition tickets, and they said to give them some prohibition tickets, and we let them have them, then after the crowd got pretty well satisfied we were handing prohibition tickets, they snatched them out of our hands, and somebody would get by Prugh and get him between them and somebody else and shove this person up against Prugh, but they didn't shove me, and Prugh and I spoke to the policeman, and he said for the crowd to let us alone, and that is all he said, and we got into the crowd again, and we again asked the policeman for protection, and he would not, and we saw the safest thing for us to do was to get outside of the crowd and after we got on the outer edge of it, there was a man, I don't know his name, but he had on a Personal Rights League badge I think, he struck Prugh, and we started to get out of there and we had about 200 men after us. Q. With what was he struck? A. With the man's fists, and then after we started and going away pretty lively, bricks, coal, eggs, or anything they could get hold of was fired at us. Q. Did they hit you? A. No, sir. Q. Did they hit Prugh? A. Yes, sir. Q. How far were you away from the polls when these missiles were thrown at you? A. Just about a block. Q. What effect did the blows have on Prugh at that time? A. He was knocked down twice, once I know of, and after we got away from there I saw blood running down his neck and I told him to turn around, and he turned around and I saw a hole back of his ear, and quite a little bunch where he was struck with something. Q. Where did you go then? A. We went from there to the police headquarters. Q. What conversation did you have with the policeman at that time? A. Well, we told the chief what the crowd had done there. "Well," he says, "Get right in the patrol wagon and I will send some men down there with you." Q. Was the same crowd there when you got back? A. Yes, sir. Q. What did you do then? A. We got out of the wagon and the captain asked one of the policemen that was there what was the matter, and I don't know, I didn't understand what the answer was this policeman gave to the captain, but the captain didn't stay there very long, but there was still the two policemen by us, and very soon the captain went away, and the crowd again commenced to push us around, and snatched the tickets away from us, and so on; and then the policeman said to us to come down this street, Fifteenth street; "No, we would not," and he said the best thing for us was to get out of the crowd because they could not protect us, and also people in the crowd told us to go. "Well," we said, "we would, provided they would conduct us through the crowd," and then with a policeman on either side of us they took us along through the crowd up towards Sixteenth street and before we got up to Sixteenth street and we walked between the policemen, I was struck

with an egg, and we got down to Sixteenth street and walked north toward the viaduct and after we got some little distance the policeman said they could not go any further, and they had to go back to the polling place. Well, there was a considerable crowd running along towards the viaduct there and stopped, and we said we didn't want to go through the crowd that way without them along, and they said the best thing to do was to wait till a motor came along and take the car, and we waited till the car came along and we got in the closed car and the policemen got on and conducted us through the crowd and they got off and I suppose they went back. Q. Where did you go from there? A. We went to the police headquarters again. Q. What had those fellows upon the viaduct in the way of missiles when you passed them? A. They had bricks and pieces of coal. Q. Did they make any demonstrations when you went by? A. Yes, sir. Q. What was it? A. They hollered at us and ran and so on. Q. Did you hear any names or threats? A. Well, I don't know that I did. I presume so, but I ain't sure about that. Q. What report did you make at the police headquarters? A. The second time. Q. Yes, sir. A. Well, we told them just what had happened, "Well," says he, "Get in the patrol wagon and go back there." "Well," we said, we didn't want to go back, that they would not protect us. He said all right, and we went out. Q. What kind of tickets were they you had in your possession? A. Republican, democratic, peoples independent and prohibitionist, with the amendment written on the bottom. Q. Did you have any tickets bearing the name of Powers taken away from you? A. Yes, sir. Q. Who was the favorite candidate of those fellows wearing the Personal Rights badges for governor so far as you gathered from what you saw and heard there? A. From what I saw and heard I think Boyd was. Q. Were there any persons at that polling place as challengers. A. Not that I know of. Q. From what you saw and heard there would it have been safe for any one to challenge any democratic votes at that polling place? A. No, it would not have been safe. Q. About how many men were around the polls there when you were there? A. I would think somewhere between two and three hundred. Q. How near did you get up to the polling place? A. The nearest I think was within fifteen feet. Q. Would it have been possible for you to go up? A. Yes, I think it would. Q. Was the crowd crowded in and about the polling places? A. Not very close, the crowd was back in the street and formed in line going up to vote. Q. What did they say to you the first time, these people wearing the badges and those that were acting for them? A. I do not remember what they did say; they did not want to tell me there and went away and so on. Q. What language did they use? A. They swore considerable. Q. Was any epithets used toward you? A. Yes, sir. Q. What were they? A. I heard one man call Mr. Prugh a son of a bitch and considerable other language around there. Q. What other epithets did you hear them use towards yourself and Mr. Prugh? A. I do not know. I did not pay enough attention at the time. Q. What was the reason that you left the first time? A. Because I thought it was not safe for us there. Q. What was the reason the second time? A. The same reason, and that the police would not protect us. Q. What did they say to about your advising—advising you to get away? A. They advised us to go. Q. Why? A. Because they said they could not protect us. Q. Had you given them any reason for hostility towards them? A. No, sir. Q. And never quarreled with any of them? A. No, sir. Q. No grudge towards any of the fellows there? A. No, not at all. Q. Did the judges of election attempt in any way to preserve order? A. Not at all. Q. Made no remonstrance with this crowd outside? A. No, not that I saw or heard. Q. From the best of your information what was that polling place, what precinct and ward? A. It was what we were told was the fourth district of the Second ward, 16th and Williams street. Q. Corner of the streets, what streets? A. Fifteenth and Williams. Q. Who was it generally understood was the favorite candidate for governor of the personal rights league in Omaha? A. From what I saw and heard I thought Mr. Boyd was. CROSS-EXAMINED. By Mr. Harwood. Q. You were not in there yourself? A. No, sir. Q. How long were you at the polls altogether both times? A. Something less than half an hour I would think. Q. During the time you were there, did you see any one prevented from voting for Mr. Powers? A. I did not. Q. Did you hear any one object to any one voting for Mr. Powers? I did not. Q. Or any one else? A. No, sir. Q. These tickets that you peddled had all of the state officers of all the parties on the tickets? A. Yes, sir. Q. And these tickets that were thrown away and torn up and taken away from you were tickets having Boyd's name on them as well as Mr. Powers and Mr. Payne and others? A. Yes, sir. Q. And so far as you observed, there, so far as the election for state officers was a free and open election? A. I did not see anybody prevented from voting for anybody they liked. Q. You were not within fifteen feet of the polls were you? A. Not at all I do not think. Q. You did not see any of the judges of election did you? A. No, sir. Q. You did not know what the judges of election were doing, as a matter of fact? A. No, sir. Q. If you mean to be understood by saying that the judges did not make any attempt to protect you or keep order was that you did not see the judges? A. Yes, sir. Q. The judges were in the inside of

the polling place, were they not? A. I think they were. Q. And did you receive the word which Mr. Seavy sent to Mr. Prugh? A. No, sir. Q. That he would send fifty men if necessary to protect you to go back? A. I did not know about that. Q. You did not go back after the second time? A. No, sir. Q. You were not a voter in that precinct? A. No, sir. Q. What precinct were you a voter in? A. The second precinct of the Sixth ward. Q. You voted the ticket of your choice there? A. Yes, sir. Q. No one made any objection to them? A. No, sir. Q. What was the occasion of the hostility of the crowd there to you and Mr. Prugh, what was the cause of the hostility to you and Mr. Prugh at this polling place that you speak of. A. I thought the trouble of our part was because there were very few for the prohibition amendment. Q. Did the crowd object to the ballots because they said they were illegal because they only had for printed on them? A. Only one man said anything about that. Q. The discussion grew out of that fact that you discuss whether that was a legal ballot or not? A. Not that I know of. Q. You would remember it if you did? A. Nobody said anything about whether the tickets were all right but this one man; this man said they were illegal tickets. Q. Did you say they were or Mr. Prugh? A. I think he did. Q. Did any one else indulge in the discussion? A. No, sir. Q. How long did you discuss that? A. Just simply said they were not legal tickets and we said they were and we thought they were and that is all there was to it. Q. Was he the man that tore up the tickets? A. No, sir. Q. One of the men that struck either of you? A. I do not know that he did. Q. Did you have hot words? A. No, sir. Q. Mild, peaceable discussion? A. Yes, sir. Q. He said the tickets were illegal and you said they were all right? A. Yes, sir. Q. You did not have any fuss on that account? A. No, sir. Q. Were you discussing this point while you were discussing this point? A. I believe we were rather on the outside of the crowd at the time. There were a few people around but not so many as afterwards. Q. Was that the principal cause to the opposition of your tickets because the crowd said they were not legal ballots? A. One man said it was not and nobody else said anything about it. Q. Do you know whether he told the other people? A. I do not. Q. Were you around at the other polls? A. I just went to two other places, but I did not do anything at all, and did not intend to do anything. Q. How long did you stay there? A. 15 or 20 minutes probably. Q. Then did you go home? A. We went around to different places in Omaha; we did not go home at all until I think it was 3 or 4 o'clock in the afternoon. Q. Who was that, Mr. Prugh and you? A. Yes, sir. Q. You were around there until three or four o'clock in the afternoon? A. Yes, I think it was. Q. But you did not peddle tickets any more? A. No, sir. Q. What wards were you in? A. One of the places we were down on Eleventh street and Harney, and the other place was up at the board of trade building on Sixteenth street; I think it is on Sixteenth street south of Farnam street. Q. And you saw no one at any of those polls prevented from voting for the officers of his choice of candidates of his choice?—You saw no one prevented from voting for the candidate of his choice? A. I did not. J. S. Miller, sworn by the contestants, examined in chief by Mr. Strickler, testified as follows: Q. Where did you reside on the 4th of November, 1890 this year? A. 818 North 19th street, Omaha, Douglas county, Nebraska. The defendants made the same objection as to the testimony of Mr. Prugh. Over-ruled and excepted. Q. How long have you lived in Omaha? A. Three years. Q. In what ward? A. In the 8th ward. Q. Are you a voter in that ward? A. I am. Q. In what district? A. The 4th. Q. Were you at the polls on election day? A. I was. Q. Did you see any efforts made to take tickets away from persons? A. Not in the 4th district. I did at the two polling places on Cuming street just west of 24th. Q. In what ward? A. The 8th ward. Q. I will ask you to look at this map and state the numbers of those two districts. A. I do not know whether I can or not. Q. If you can. A. I voted at the corner of Cuming and 23rd street, that is in the 4th district. Q. And then you went up to Cuming street, west of Twenty-fourth? A. Yes, sir. Q. That would be the first and second district. A. Yes of the eighth ward. Q. State what you saw with reference to those two districts. A. I saw the tickets taken away from the men who were peddling tickets for the amendment; saw them taken away from them and destroyed, torn up and thrown into the ditch; sometimes they took a half dozen at a time, and sometimes more; and sometimes they would go into their pockets and take them from them, but they would go away and come back with more, and they would take them again and destroy them. Q. Do you know who it was that took those tickets away from those persons? A. No, sir. Q. Do you remember whether any of those parties that committed those assaults wore personal rights league badges? A. I would not say as to that; I testified yesterday that I did not see any personal rights badges on persons at the polls, but I have thought of it since that I did, but whether these parties took the tickets had badges or not, I do not remember. Q. Did you see those parties wearing personal rights badges taking any part at all in their demonstrations? A. Yes,

Q. What did you see them do? A. I saw them in the crowd that was gathered around those men that were peddling these prohibition tickets. In the first place there were four or five of the men with these tickets there; sometimes their attention would be paid to one and then to another. First one and then another would gather around them and crowd them into the street, put eggs in their pockets, get some men up near to them and push them, and the men would hit the pocket with the egg in it and break the egg and it would run down in their pocket, and finally they threatened them and drove them away from the polls, and would not allow them to be near the polling place; and they kept them away. Finally they got them back against—two of them back against the side of a house, one side, and then the eggs began to fly. Eggs were thrown. I did not see any eggs hit any man, but they would strike the sides of the building and drop on them, and one of them leaned against an electric wire post, and the eggs would strike the post and drop down on their heads and coats. Q. Those eggs were thrown by the mob that was there? A. They were thrown by the crowd. Q. How many people were gathered around the polling place? A. I would think it would vary from 150 to 500. Q. Do you know who those men favored for governor, from what you saw and heard? A. It would be impossible to say what man or men were actively engaged in these outrageous acts, favored for governor; there was a large number of them about the polls that were wearing the Boyd badges. I saw no other badges of any political party outside of those personal rights league. Q. State whether or not those persons wearing the Boyd badges took any part in those demonstrations? A. Yes, sir. Q. Did you see any persons who were handling the Boyd tickets deprived of their tickets and subjected to this treatment? A. I would not say that. I do not want to be misunderstood, that all the men that wore Boyd badges participated in this outrageous conduct, but some of them did. Q. Did you see the police arrest any of these parties who threw those eggs? A. I did not see them arrest anybody. Q. From what you saw at that precinct, what do you say as to whether the police were in sympathy with that mob? A. I would say that the police were in sympathy, or must have been in sympathy, or they would have prevented any such conduct. Q. I will ask you to state whether or not they subjected you to any indignities that day? A. No, not particularly, only after I became somewhat angry at the conduct at the polls, I thought it was an imposition upon our rights of franchise, and I remonstrated with some of them. They seemed to get an idea that I was favorable to the amendment, and I told them I was not, and had not been. They then put some eggs into my overcoat pocket, but they did not any of them seem inclined to break them. Q. They filled your pocket up with eggs? A. They put a couple of eggs into my pocket. Q. Do you know the parties that did that? A. I have my supposition, but do not know. Q. Is it not true that Boyd was regarded as a candidate for the anti-prohibitionists in the city of Omaha? A. I guess it was not only understood so in the city of Omaha, but everywhere else. That was the fight that was made in Omaha against Richards; it was that he would not place himself square before the people on that issue. Q. Have you not before stated how you voted on that prohibition question? A. Yes, sir. Q. State it. A. I voted the straight republican ticket, and against the amendment. Q. You were not at the polls that day in the interests of prohibition? A. No, sir. Q. What impression was made upon your mind by the acts that you witnessed that day, with reference to its being a free and fair election? A. I think it was— Objected to. Q. What have you to say as to whether or not that was a free and fair election at those two precincts? Objected to. Q. So far as the election or vote was concerned, I saw no one interfered with in their right to vote, but as far as being allowed to express their opinion upon that one subject of amendment, it was certainly attempted on the part of people there to prevent it, suppressing anything of the kind, the most disgusting thing I ever witnessed in my life. Q. Is it not true that the men were working for Boyd were also working against prohibition? A. I think that would be a foregone conclusion, they were. Q. Did you, or did you not state that if you had seen the occurrences before you voted that you would have voted for prohibition? A. Yes, I would. Q. Is that a fact? A. It is a fact, and if I had had to vote again that day, I would have voted for the amendment, just on account of this conduct. Q. What business are you engaged in in Omaha? A. I am a lawyer. Q. How long have you practiced law? A. From 20 to 25 years. CROSS EXAMINATION. By Mr. Harwood. Q. In Omaha, among all classes of men, business men in particular, there was a very strong sentiment against prohibition was there not? A. Yes, sir, very radical. Q. It was felt as violating the interests of Omaha to favor that question? A. Yes, sir. Q. This feeling permeated all classes of people? A. Yes, sir. Q. Republicans as well as democrats and independents were strong anti-prohibitionists? A. Yes, as a rule. Q. The vote there showed that? A. Yes, sir. Q. And whatever excitement there was at the polls on election day grew out of that question? A. No doubt about that. The people of Omaha had this impression, that to adopt the constitutional amendment was going to be a great damage to the city, and we were opposed to it, and we further had the impression that throughout the state, outside of the large towns, that the amendment would carry and that that it would depend largely upon the majority in Omaha for its defeat.

Q. Strenuous efforts were made among all classes of men who were opposed to it, to get out a full vote and make a majority as large as possible. A. Yes, sir. Q. So far as you know and what you saw on that day, the election was free and open? A. I saw nothing to the contrary. Q. You say no one prevented you from voting for Powers or any other candidate? A. They did not, and I want to say here that there was less discussion of candidates at the polls of any election that I ever saw. The only demonstrations that were made at the polls at all, by any of the workers were generally democrats and they were enthusiastic supporters of Boyd; that is all, I saw no other demonstrations. Q. This crowd that you speak of at his district, the first and second district of the Eighth ward, was not real vicious, was it; you saw nobody injured? It was more a rollicking, making it uncomfortable for the men working for prohibition, than otherwise. The men peddling prohibition tickets were in dead earnest. Q. And these tickets that they were peddling were generally tickets that had for the prohibition amendment? A. Yes, sir. Q. They did not have on them "For and Against"? A. No, just one kind of tickets. Q. Do you hear any discussion there, as to whether that was a legal ballot? A. Yes, I heard a good deal of it. Q. And a good deal of the difficulty grew out of that fact, did it not? A. No, sir, that part of it was generally carried on by the more respectable class of men who were trying to persuade those parties not to use their tickets, but without violence. There was only one that I saw at the polls, who argued the question at all with them, and tried to persuade him that his tickets were fraudulent, that it was not a lawful ticket because especially so far as the democratic ticket was concerned, because the democratic party had voted a resolution against the amendment; therefore they contended that the democratic ticket that had on it "For the Amendment" was a fraudulent ticket; it was being used for the purpose of deceiving the voters. There was a good deal of that discussion, and all that discussion was quietly conducted. There was no violence on the part of the men. Q. These men that were peddling the amendment ticket then, had on them for Governor Boyd as well as Powers, Richards and Paine? A. Yes, they had all the tickets. Q. And these tickets that you saw, these ballots that you saw destroyed were promiscuously tickets with Boyd's name on as well as others? A. It was the amendment clause that they wanted to get rid of. Q. You saw no one injured there? A. No, no other than the throwing of eggs. Q. You did not see any one hit with the eggs? A. I did not see them hit; I saw the eggs break on the side of the building and drop down. Q. If it was a very vicious crowd, they would have thrown the eggs at the individuals? A. It would have been a difficult matter to have thrown the eggs at an individual, because there was such a crowd, but they got up against the building, evidently for fear of violence, and they threw the eggs up there and let them drop down on them. Q. Did these amendment people stay there all day? A. I do not know. I staid as long as I could and went home. Q. How long did you stay? A. Until about half past eleven o'clock; I was afraid that I might get into trouble and went away. Q. You did not leave because you had any fears of violence? A. No, sir, only I did not want to see any more of it; I was afraid I might get into trouble. Q. You were afraid you might lose your temper, Mr. Strickler, did you see any challengers at either of those precincts? A. I do not think I did. I do not remember now of seeing a single challenger or hearing a single challenge. Q. Do you think it would have been safe for a man to have challenged an individual, to vote at either of those precincts. A. No, I do not. I heard threats to that effect. I heard some men say something about challenging; some one came up to one of those men and asked him if he was there for that purpose, and he said he was not, but was there simply to peddle his tickets, to give every man a right to vote, then that wanted to, and the fellow ripped out an oath and says: "I would like to see a man challenge my vote. I would be damned if I would not smash his head, if a prohibitionist challenge my vote." I heard several threats of that kind, and tried to reason with the men, that they would not be a proper thing to do. I told them if I was an American citizen born and raised in this country, and a man wanted to challenge my vote, he had the right to do so, and I had my remedy to swear it in. Q. Did they make any reply to that? A. I cannot give the exact language of the reply, but it was to the effect that it was all right for anything else but by these prohibitionists. Q. But as a matter of fact you did not see anybody challenged in votes? A. No, sir, I did not. Q. Nor did you see the police make any arrests at all that day? A. I did not. Q. HARRY OOD: Q. The difficulty with challenging there would not be because it was a challenge of a Boyd vote, but because the challenge might be made by a prohibitionist on a vote that was against prohibition and against the amendment. A. The man that made the strongest effort of that kind was a republican. Newton J. Smith, examined in chief by Mr. Strickler testified as follows: Q. Where did you reside on the 4th of November of this year? A. Tenth and Bancroft streets, Omaha, Douglas county, Nebraska. Q. How long have you resided in Omaha? A. Between three and four years. Q. In what ward of that city do you reside? A. In the first ward. Q. Are you a qualified voter in that city? A. Yes, sir. Q. In what district of the First ward? A. Fifth district. Q. Did you vote at the election held in that city on the 24th day of November? A. Yes, sir. The contestants object to the testimony