

I made the remark— Who to? One of the ladies in bed. You didn't say that you didn't speak of it to anyone a minute ago? I said to Miss Scott. Did you notice what he did with his revolver after he fired the shot? He kept it in his hand. Did you see him put it in his pocket? No, sir. Then what did you see him do? He ran right down the hill. And before he fired the shot, did you notice him look up and look around over the country? No, sir. Just kept his eye down in that hollow, did he? Yes, sir. Did you notice anyone passing along Dodge street about that time? No, sir. All the time you were out there on the porch, were there anybody except the three people going in front of your house on Dodge street? I didn't see anybody. And it was about the time the workmen were going to their work, wasn't it? Yes, sir. About one o'clock? Yes, sir. And you very often saw the workmen passing to and fro down to the smelter? Well, yes, sir, but I didn't see any at that time. There is a path or road that leads down there and across Eighth street, leading down to the smelter? I think so. And isn't it the only path down there? Yes, sir. There is also a road that goes down east and to the north of your house, goes right down Dodge street towards the river and around under the bridge? Yes, sir. And there is quite a bit of travel there? Yes, sir. Where did he go after he fired the shot? He went down there in the hollow. Did he go right straight down that bank? Yes, sir. Just as straight down as he could? It seemed that way to me. And you waited there to see where he went? I didn't wait there, I hadn't got up yet, I just still sat there. Where did you next see him? He came up from where he was down there. I seen him until he kind of stooped down out of my sight; I suppose he stooped down. Could you see him when he stooped down? Yes, sir. Had he got to the bottom? He was so I could not see him. He stooped so I could not see him. Did he stoop or did he go down the hill so far you could not see him? He stooped over. Could you tell whether the place where he stooped over was where you afterwards saw the body of Mr. Miller there? Yes, sir. And the place where he stooped was about the place where Miller's body was lying? Yes, sir. And you could see him from where you were sitting on the porch, and you could see him stoop over? I could see him when he went down. Could you see him stoop over? Yes, sir. That was about the spot where you afterwards saw Mayor Miller's body? Yes, sir. At that time when he fired the shot could you see Berlin? No, sir. After Hayes stooped over, did you see him raise up? Yes, sir. When he came up on the walk he stooped over, and when he came up he was in a stooping condition, was he? No, sir. After you saw him stoop over this way, did he raise up in an upright position? Yes, sir. You saw him do that? Yes, sir. And where you saw him stoop over and rise up, was about the place where you afterwards saw Mr. Miller's body? Yes, sir. After he rose up did he look around? He looked down to where Mr. Berlin appeared to come to him. That would be to the north? Yes, sir. I am talking about immediately after he raised up from a stooping position, whether or not he then turned before he moved away; did he then turn and look to the north? Yes, sir; he looked to the north. And you could see him looking to the north? Yes, sir. Did he motion to anybody? I could not say. Did he move his head this way (indicating)? I could not say as to that. Didn't he take off his hat and wave it? I could not say. You don't know whether he did or not? He didn't take off his hat as I seen.

Which way did he go after straightening up? Up to Dodge street. Did he go right east and get on to Eighth street? I didn't pay any attention, when he was walking he came up Eighth onto Dodge. When he came to Dodge did he look around? Yes, sir. Which way did he look? Down into the hollow again. Did he look north of him? He kept looking back down. Which shoulder did he look over, the right or left shoulder? The right. Did he look to the south of him at all? I could not say. Did he look over to where your house was? No, sir. He didn't look that way at all? No, sir. At that time when he was standing there, or when he got up onto Dodge street, did he stop there? No, sir. Didn't he stop and turn and look around, or did he just keep looking over his shoulder? He came up onto Dodge and went up Dodge; he kept looking back as he went west on Dodge street. Could you see at the time you say he fired the shot, could you see Berlin? No, sir. Up to the time when he started west on Dodge street, had you seen Berlin? No, sir. How long would you say it was from the time he fired this shot until he started to go west on Dodge street? I could not just exactly say, a few minutes though. Was it as much as five minutes? It was something like that, I could not just exactly say. Was it as much as ten? No. About five minutes then? Yes, sir. He was standing down by the body some two or three minutes? Yes, sir; it seemed to me that. You didn't hear him fire another shot while he was down there? No, sir. How far west on Dodge street had he got when you saw Berlin? Well, he was up to those houses? That is to the houses that are on the bank? That is just about opposite. Then you could say it was some four or six minutes from when you saw him fire the shot until you saw Berlin? Yes, sir. Where was Berlin when you first saw him? I saw his head coming up the hill on Eighth street to Dodge. He was coming from the north? Yes, sir. When you first saw his head, was he farther north than the spot where you first saw Mr. Miller's body? Yes, sir. About how much farther north would you say? I could not say as to that. Would you say that it was ten or fifteen feet? I could not say, something like that. I could not just exactly say the distance. When you saw Hayes stooping there, down at the bottom of the hollow, how much of his body could you see? I could not see any of it. Could you just see his head? Not that after he stooped. Before he stooped, how much of his body could you see? Up along here (indicating head and neck). At the time he fired the shot, did you look down in this hollow to see if you could see anything? I heard the shot and saw him run. I didn't look down when he went down where he went—I kept looking to see where he went. And the next you saw of him, he was coming up from in the weeds in an upright position, and the next you saw of him he was stooping over? Yes, sir. And when he fired you did not look into the hollow to see if you could see some object at which he had fired? No, sir. Where did Berlin go? He came up to where this object was that this gentleman shot at, or something there. He stopped then, and went into the weeds? No, he just stopped and turned around. Which way? Facing the west. Did he stoop? No, sir. What did he do? Stopped and stood there and looked down a few minutes. Right towards where you afterwards saw the body of Mr. Miller? Yes, sir. Then what did he do? Came to Dodge street. When he was over looking down in this hollow, where was Hayes? Going up Dodge street towards Ninth. How far towards Ninth had he got at the time Berlin was standing there looking down into these weeds? A little past those houses, opposite those houses.

Which one of those houses, the one that is farthest east? Still the other houses, still farther up. Had he got up as far as the house on the corner of Ninth and Dodge? No, sir. Do you know there is a house right east of the one on the corner of Ninth and Dodge? Yes, sir. Had he got as far as that house? He stopped between the two houses and waited. The one on the corner of Ninth and Dodge, and the one next to it between them? Yes, sir. He was there at the time Berlin was looking in the weeds? He had not got there. When he got there, he waited? Yes, sir. Did he turn and look towards the east? Yes, sir. And then Berlin come up the hollow and went to the point where Hayes was? Yes, sir. And Hayes waited until he got there? No, Hayes started to walk along and Berlin caught up to him. Did Berlin overtake Hayes? Yes, sir. Did they shake hands when they met? No, sir. Did they seem to be talking when they met? I could not tell so far away. You don't know whether they were or not? No, sir. How far west had they got on Dodge street when Berlin overtook Hayes? He waited between the houses, pretty near to the corner, he walked on slow, but he didn't keep on walking as fast as he was when he came up the hill. How did he come up the hill? He apparently walked up the hill like anybody would. Just leisurely along? Yes, sir. And he turned west on Dodge street and walked along leisurely? Yes, sir. Didn't run or anything? No, sir. Then he got up between the house on the corner of Ninth and Dodge and the one right east of it and waited? Yes, sir. Until Berlin got there? Yes, sir. He didn't move from his tracks until Berlin got there? He may have moved from his tracks. He didn't start west on Dodge until Berlin got there? No, sir. Berlin walked up there leisurely? No, sir. Between a fast walk and a trot like, hurrying—he was hurrying a little more than Hayes? Yes, sir. Went faster than Hayes did? Yes, sir. When he overtook Hayes there, then they walked together west on Dodge street, did they? They came up to Ninth street, and they came across south and they kept looking back, both of them. Where were they when you last saw them? Going across to get up to Ninth street on the east side—the south side rather. You say you heard the shot fired so little time, or had you gone into a house, I mean, from the time that Miller and these men left until you saw Hayes and Berlin up on Dodge street near Ninth? Yes, sir. You had in the meantime been in a house? Yes, sir. Had you been in and dressed? No, sir. Who had you seen when you were there? Nobody. Had you spoken to anybody? No, sir, only to some one up street to whom? One of the ladies. The one that was sick? Yes, sir. Who was that? Hattie Davis. Where does she live? In Omaha. Does she live up on Farnam street? No, sir. Where does she live? Eighth and Dodge, on the south side. What alley? At Eighth and Dodge. At whose house? It is Mr. Martin's house I think it rents the houses there. Where was she living at that time? 103 South Eighth. Living at the same place you were? Yes, sir. Did you go in and pillow up to her? No, sir, I sat on the porch and hollered up to her. I asked you if you had been in the house from the time you saw Hayes on Ninth street? Yes, sir; when they left and were standing in front of Belle Brandon's, I went in the house. Where did you go? In the front parlor. How long did you stay in there? A few minutes, I could not say exactly how long. Were you doing in there? No, sir, I sat in a chair. Was there anybody in the parlor with you? No, sir. Then you came out and stood on the porch again? Yes, sir. Was anybody with you there? No, sir. They went in and hollered on stairs? No, sir. You stood on the porch?

Yes, sir. What did you say? I hollered and told her that one of those three men that was in the house was in the hollow. Did she make any answer to you? Yes, sir. What did she say? How it was, she was sick in the bed then, and there were some dogs around there raising a fuss so she could not sleep, and I hollered and told her that one of those three men were shooting and may have shot some of those dogs, she said, "I am glad of it, may be I will get to rest." How long had she been there? A month or two. When did she leave there? I could not say as to that. Did she move there when you did? She moved there when I was there. How long was she sick in bed? She has been sick all summer. Did you occupy a room up stairs, or on the parlor floor, or in the basement? She occupied a front room upstairs. How many rooms were there in the front part of the house upstairs? One. And there were windows in the west part of that room were there not? Yes, sir. You say you went to Judge Brandies' Court that day? Yes, sir. What time did you come from the court? Between four and five o'clock, to my knowledge; something along there. In the meantime, had you then heard of the shooting of Mayor Miller until you got home? No, sir. You heard of it as soon as you got home? How long had you been home when you heard of it? Maybe an hour or something like that, he had had our supper. About what time did you take supper? I could not say that because we were going to move the next day. You stayed in your house that night? Yes, sir. Did this Miss Hattie Davis take supper with you that night? I could not say about that. Did she stay in the house that night? When you moved, did she move with you? Yes, sir. Where did you say you moved to? El Dodge. What is where you now live? With Lou Scott? Lou Scott has not got the house now; he rents it out by the day to some one does she? So hasn't anything to do with it. Who runs it now? My Dysinger. Who told you of the shooting of Mayor Miller, you say it was the driver of the patrol? I didn't tell me it was Mayor Miller. Who told you of the shooting of this man? I know his name? I could not say, I would know him to see him. Did he come in the house? No, sir. Where was you? In the back yard, he drove through the yard, and I asked him what he was doing with the patrol, and told me some one had suicided down there. Did you tell him maybe it was not a case of suicide? I did not say anything. Who was with him? I think he was alone. Who was with you? I could not hardly say, there was so many around there. Was Miss Scott there? Yes, sir. Was Miss Davis there? I could not say. You do not remember? Oh, yes, I do, she was up sick in bed. Who else was about the house at that time, anybody? The cook. What is her name? Emma Dowe. Was she there at the time she told you of it? She was in the house. Was that before or after you had had supper? After. How long after? Just a few minutes. Did you say that Lou Scott was there? Yes, sir. She was in the house or standing around there. There was so many around there, and the excitement, everybody was running up the street—I didn't pay much attention who was there. When you saw so many there, what were they doing? They were following the patrol up to see what this was about around the railroad there. Coming up after the patrol wagon? Yes, sir. Did you tell Miss Davis that a man had been shot or committed suicide? She didn't know it before we got to the house. How do you know that? There were all hollering out around down there. Did she speak to you about it? We talked about it when we came in the house. You and Miss Davis talked about it? We talked about it. Did you talk about it to Miss Davis? Not particularly. Did you say anything to her about it? We talked about the man being shot. Did she say? I do not say. Did she make no reply? I do not say. Did she say maybe instead of shooting, this man might have shot a? I didn't just at that time. Did she talk at that time? I just exactly at that time. Did you say anything to her then? No, sir. Did you talk generally about it there in the house? So, there was not very much said about it. Did you go to Miss Scott and tell her about this shooting, that you had been there? No, sir.

Did you tell her that night? No, sir. Did you tell her the next day? No, sir. Did you tell her the next day? I didn't tell her at all. Did you stay at that house that night? Yes, sir. Did any one call to see you in regard to this shooting affair that night? No, sir. Did any one call there at the house that night? Yes, sir. Did they see you? Yes, sir. Did they talk to you? No, sir. Did they talk in your presence? Sometimes they did, there were so many coming in and out all the time, I was the housekeeper and let them in. Who were they? I could not say. Do you know any of them? I know our city officers, the ones that come down, some of them. Was one of them Detective Hayes? Yes, sir. Do you know the sheriff of this county, Sheriff Bennett? I have seen the gentleman. Was he there that night? Not to my knowledge. Do you know Mr. E. P. Savage, Col. Savage of South Omaha? Yes, I know him when I see him. Was he there that night? Yes, sir. Wasn't he there in company with Sheriff Bennett? I could not say, I did not know Mr. Bennett then. You know him now, don't you? Yes, sir. Was he there that night? I could not say, I did not pay enough attention. You knew Hayes that night when he came? Yes, sir. Didn't he come alone and go away again? I could not say as to that. Did all of these people come together? They were coming in and out all night. Who were coming in and out all night? Officers of this city and South Omaha. Did you know any of them? I know the officers of this city. Do you know anybody that was there on that night, Tuesday evening—who do you know? I could not say—there was Mr. Hayes, the two Mr. Hayes that were there, Detective Hayes. And Officer Vizard? I could not say as to that, I know their faces, but I cannot call their names. You know the two Mr. Hayes, did you talk with them about this that night? No, sir. Did they say anything to you about it? Yes, sir; they asked for Miss Lou Scott and I took them where she was. You say you saw Col. Savage there, did you talk in his presence to any one? No, sir—yes, I did; the gentleman that gave Mr. Miller that Harrison button was with him; was with Mr. Savage that evening. You heard them talking about that in there? I recognized the button in his coat when they found him. This gentleman that was with Mr. Savage said that he gave it to him. Do you know who that gentleman was? No, I could not say. During the course of that evening neither Detective Hayes or Officer Hayes talked with you? No, sir; they only asked me about Miss Lou Scott, if she was in. They just asked you about Miss Lou Scott? Yes, sir. Do you remember who the first officer who came there? No, I could not. Wasn't it Chief Detective Hayes? I could not just exactly say. You remember that he was there? Oh, yes. Do you remember of anybody being there before he was—any officer? I could not say, they were in and out the whole evening. And during the course of he evening, none of them talked to you? They just merely spoke. I mean about the case. Only just asked me if some such parties were in, or something like that; they didn't come out and ask me anything about it. They just asked you where Miss Scott was? Yes, sir. You didn't go and sit down in the room and talk with them? No, sir. You didn't tell them you saw a man fire a shot? No, sir. They didn't ask you if you saw a man fire a shot? No, sir. They didn't ask you if you had seen Mr. Miller that morning, did they? They were talking about it; yes, sir. Did they ask if you had seen him there? Not direct to me. They didn't ask me. Did you hear them ask Miss Scott about it? Yes, sir; sometimes one of the crowds would be in the front parlor and sometimes in the back parlor. Did you hear anybody ask Miss Scott if Mayor Miller had been there that day? I could not hardly say whether I did or not, I heard them talking about it; I could not hardly say now. Not whether he had been there. I want to know, did anybody ask you or Miss Scott if Mayor Miller had been there that day? They talked to her all the time, they didn't say anything to me hardly at all. Did they say anything else to you, except to ask where Miss Scott was? No, sir; not anything about that. Did they say anything about anything. No, sir. They didn't ask you a question about that? No, sir.

They didn't ask you a question about anything else, did they? No, sir. Except where Lou Scott was? They would come and ask me where the button was, and I would go get her for them, or tell her. And during the evening, there was not an officer of this city that asked you if Mayor Miller was there that day? I didn't know if Mayor Miller was there that day? I could not say that he was. Not direct to me. Did he ask anybody in his presence. He asked if such a man had been in the house. Who did he ask? Miss Scott. What did he say? I could not say. You didn't go and sit down in the room and talk with Chief Detective Hayes, his brother and Col. Savage, and Lou Scott? No, sir, I was standing near the center table. Men and you go in with part of those men and talk? I was standing in the middle door talking to those men; when I spoke to Mr. Savage from South Omaha about what he had on. That was the only thing you talked about, was about that button? To my knowledge, that is all. Did you tell him you had seen that button before? Yes, sir; I had seen the button. Did you tell Col. Savage that you had seen that button? Did you tell Col. Savage that you saw that button on his coat? I told that gentleman with Col. Savage that I saw the button on his coat, and how the button was bent. Who was that gentleman? I could not say. He came there with Col. Savage? Yes, sir. Who was present at the time? Miss Scott, Col. Savage and those other gentlemen, three gentlemen, I think. You were engaged at the time you told them about this button on Miller's coat, you were engaged in conversation with Col. Savage and those other gentlemen from South Omaha? I just merely spoke to them. Were they talking to you? Not to me. Not more than anybody else. This gentleman was speaking about him buying the button, and giving it to Mr. Miller. Who did he speak to about it? To me. Col. Savage was there? Yes, sir. Was Sheriff Bennett there? I could not say. Did those gentlemen ask you where they had seen that button? Yes, sir. What did he say? I spoke of recognizing the button on his coat as he lay in the hollow; he said he bought the button and gave it to Mr. Miller, and I spoke about it being turned up around the edges, and he said that is the button he bought for him. Did you tell him that you had seen that button during that day, that is what I want to know? Yes, sir. Did you tell him you saw that button before you saw Mayor Miller in the hollow? Yes, sir. When did you tell him you saw it? When he was on the porch in the morning. Did you tell that to this gentleman from South Omaha, in presence of Col. Savage? Yes, sir. What reply did he make. He said he bought the button. That was all the reply he made, did he ask you if you had seen Charley Miller, or Mayor Miller, on Tuesday? Yes, sir; he spoke about his being there. Did he ask you if he had been there on Tuesday? He didn't ask me any more than he made the remark, "Was he in here today?" Then he did ask you? Yes, he asked, and I said, "Yes, this same man who had that button on his coat was in here today." Did he ask you how long he was in there? No, sir. Did he ask you if anybody was with him? Yes, sir. What reply did you make? I told him two gentlemen was with him. Who was there at that time? Those two gentlemen. Was Col. Savage there. Yes, sir. Was Sheriff Bennett there. I could not say, I did not know him. Was Officer Hayes there. I don't think Mr. Hayes was there at that time. Was Miss Scott there. Yes, sir. Did she take part in this conversation. Yes, sir. Did she hear you tell that you had seen that button on Mayor Miller that day. Yes, sir. Col. Savage heard it. Yes, sir. He was there interested in the case, and making inquiries. Yes, sir. And he was there taking part in that very conversation, wasn't he. Yes, sir, apparently. And was showing a great deal of interest in the case, wasn't he Miss Allen. Yes, sir, apparently. And he told you didn't he, Col. Savage told you that Mayor Miller was his warmest and truest friend. He said something like that. Said it to you, didn't he. He said it in the room. Would you know the gentleman who was with Col. Savage, if you would see him again. I think I would. You told him you had seen that button on Mayor Miller's coat about noon that day. I told him I saw that button on that man that was in the house to-day. Did you tell him you knew the man. Did he ask if you knew the man. No, sir. Did he ask who was with him. He asked us how they were dressed, what kind of looking men they were. Did he ask you. No, sir, not particularly. After you told him you saw that button on Mayor Miller's coat, he did not address the conversation to you any more. No, he was talking to all in the room there, he didn't address me any more than anybody else. He addressed you as much as any one else, didn't he. Well, Mr. Savage didn't say anything to me at all. I am talking about the other gentlemen. Oh, yes, he talked to me all the time. Will you relate all the conversation that you had with this gentleman when you told him you saw that button on Mayor Miller's coat that day, on which Mr. Miller was shot. That is just about all that was said. Kindly repeat it.