what he desired to have written for the Republican.

Q.—What was that? A.—If my memory serves me right—it was some time ago and things are a little hazy as to the exact facts; but if my memory serves me correctly, I think Mr. Vandervoort requested me one day to write something of a complimentary nature for Mr. Russell.

Q.—Was Mr. Russell a member of the legislature? A.—Yes, sir, he was a member of the legislature and a member of the judiciary committee, which at that time—if my memory serves me right—was to a certain extent under a cloud on account of some matters pertaining to the legislature—some bills which were pending and in the hands of the judiciary committee. I think Mr. Russell was also at that particular time a candidate for election to some Grand Army position—commander of the Grand Army.

Q.—Did you remember what charges had been made against the judiciary committee that suggested this complimentary article? A.—I think there were none made at the time; I think there were rumors around the street as to the allegations that had been made outside of the legislature.

Q.—What position on the judiciary committee did he say Mr. Russell occupied? A.—I am not positive whether he was chairman or not; I think he was.

Q.—What other articles, if any, did Mr. Vandervoort instruct you to write? A.—I think he also suggested the writing of an article complimentary to Mr. Slater of Wayne county, who was also a member of the judiciary committee.

Q.—Were those articles written? A.—They were, and were forwarded to the Republican.

Q.—Now, what was done in pursuance of your instructions to give h—l to THE BEE? A.—Well, almost daily during the twenty-seven or twenty-eight days that I served on the Republican, I proceeded to do so.

Q.—In the highest style of the art? A.—Well, not in the highest style of the art, because at that time I was not giving my entire attention—I was confined to the preparation of these articles and I generally never overlooked any opportunity to rap THE BEE or Mr. Rosewater over the knuckles.

Q.—Were there any threats made against Mr. Rosewater at that time, and if so, by whom were they made? A.—The only time in which any threats were made in person against Mr. Rosewater was upon the day or afternoon succeeding the introduction by Mr. Rosewater of charges. Mr. Rosewater appeared upon the floor of the house and preferred charges against the judiciary committee, alleging that they had been bribed or were to be bribed in connection with the anti-gambling bill and also the Omaha charter bill; and during the recess Mr. Caldwell of Lincoln made a remark to me, and also in the presence of Mr. Vandervoort, that he would shoot that little s—n of a b——h—that was the expression that he used—like a partridge if it was not for the consideration of his (Caldwell's) wife. I think that was the expression as near as I can remember it. At the time I made an immediate notation of it and I think that notation is still preserved.

Q.—This was in the presence of Mr. Vandervoort? A.—Well, it was in presence of Mr. Vandervoort and several other gentlemen who were standing there in the immediate vicinity of the cloak room.

Q.—What, if anything, did Mr. Vandervoort say? A.—Mr. Vandervoort made no response to it. He was talking to Mr. Caldwell, and he apparently took no part in the exclamation on Mr. Caldwell's part. He was simply a bystander and hearer as I was.

Q.—Were there any other threats that you recollect of? A.—I have no recollection of any other threats being made in person against Mr. Rosewater's safety except that one, and the general talk that was made around the court house at that time that Rosewater had saved his neck by getting out of town. That was made the day subsequent, I think.

Q.—Do you recollect now what were the charges Mr. Rosewater made against the judiciary committee? A.—Why, the nature of the charges was this, substantially: A pool had been organized among the gamblers, who had raised about $7,000, which at that time was on deposit at the Lincoln National bank, and which was for the purpose of preventing the passage of the anti-gambling bill, which had been passed by the senate on the fly and had come into the house and had been referred to the committee on judiciary and at that particular time the bill was supposed to be in the hands of the committee on judiciary, and this money had been raised by the gamblers of Omaha and of Lincoln and of Beatrice and of a western town which I cannot remember, for the purpose of preventing the report of this bill from the judiciary committee until after legislation would be futile—until after it was too late. I had known personally from some members of the judiciary committee of their having conference with these gamblers upon this proposition.

Q.—Some of the judiciary committee whom you have named? A.—Yes, sir. I say some of the gentlemen whom I have named. I should hesitate to go any further than that for the reason that it is no matter that is at the present time under investigation.

Q.—We will leave that for cross-examination if they desire to let it out. Do you know whether or not Mr. Vandervoort had any conference with the gamblers? A.—No sir, I do not. I never saw him.

Q.—What do you know of the oil rooms, as they were called down there? A.—Well, during these thirty days of my acquaintance with the inside of legislation, and which was not a very familiar acquaintance at that, because I did not have time hardly to get introduced, there were three places in the Capitol hotel—three rooms in which liquor was dispensed.

Q.—Three different ones besides the bar? A.—Yes, sir, three places were in operation.

Q.—At the same time? A.—They were run from one to another. I think that the proprietor of the hotel, or the parties who were managing these apartments were somewhat nervous at that time in relation to the liquor law on Sunday. I know that it required a pretty intimate knowledge of the establishment to get into the room. Sometimes it would not be the same room that had been occupied on Saturday.

Q.—Who have you seen there? A.—I have seen Mr. Vandervoort, Mr. Crawford, Mr. Gurley, Mr. Manchester and Mr. Leavitt.

Q.—Who is Mr. Manchester? A.—I don't know him except by that name. He was in Lincoln as a lobbyist. I never met him personally except in that way.

Q.—Is he from this city? A.—I am under the impression that he is an Omaha man.

Q.—Had you any conversation with him? A.—No, sir, I never had any conversation with Mr. Manchester.

Q.—Was Mr. Vandervoort there when Mr. Manchester was there? A.—I think not. I only remember of two occasions when I saw Mr. Vandervoort in one of these apartments, and that was in room 30; that is, I only remember positively two occasions. Of course, I have seen a number of these gentlemen down there at different times in these rooms. I was probably in these various rooms ten or twelve or possibly fifteen different times during this month. I remember seeing Mr. Vandervoort one evening—one night late—in company with Mr. Gurley and Mr. Crawford, and I am under the impression that Mr. Garvey, a legislator from this city.

Q.—You saw them in this room? A.—Yes, sir, I was there myself.

Q.—How late was this place kept open? A.—I never found them closed, and I used to stay up as late as anybody around the establishment, I guess.

Q.—Would they be open after 12 o'clock at night? A.—Yes sir, until 2 or 3 in the morning.

Q.—Open Sunday? A.—Yes sir.

Q.—On this occasion when you saw Mr. Vandervoort there what time of the night was it? A.—If my memory serves me right it was about midnight, 11 or 12 o'clock.

Q.—Mr. Gurley and Mr. Crawford were there? A.—Yes sir, they were present at that time.

Q.—Who seemed to run this establishment? A.—Well, there was no one running it apparently; it was an establishment where a man who was acquainted with the gentleman who acted in the capacity of bartender could get in and could order whatever he wished for himself and his friends without any payment of money.

Q.—Without any payment of money? A.—At least I never saw any money paid. I have been in the place a dozen of times.

Q.—People went in and got what they wanted. In other words, it seemed to run itself. A.—My impression at that time and as yet so far as physical evidences are concerned, is that the room or rooms were conducted by the hotel who had an account with certain parties who were able to get there. Just exactly what that account was or who paid the bill I don't know anything about.

Q.—You have seen the legislators there? You say that time and again you have seen members of the legislature there? A.—Yes, sir, I have seen various members of the legislature there.

Q.—Have you seen members of the legislature leave there and go to other places, to houses of ill-fame? A.—No, sir, I don't think that I could testify—I don't know that they went from these rooms to houses of ill fame.

Q.—Have you ever seen them go to houses of ill-fame after you had seen them in these rooms? A.—I think so; yes, sir, if my memory serves me rightly, I think that I have.

Q.—Now, have you seen members of the legislature there at that time who were impecunious, say, today and very flush tomorrow? A.—I had the pleasure of meeting one gentleman who was in that situation.

Q.—Explain it, please. A.—Well, it so happened that I was talking with this man one afternoon and at that time he stated to me that he didn't have any money. The following day, however, he had a large amount of money, that is, a large amount for a man to carry around in his clothes.

Q.—Do you know how much? A.—Well, somewhere in the vicinity of $400 in gold—$400 or $500 in gold and currency. Nearly all of it in gold, however.

Q.—Did he say where he got it? A.—He had a large number of gold pieces. No, sir; he did not.

Q.—What had been his position in the house or senate immediately before that? A.—He was a member of the house. He was known as a Van Wyck man and he had to a certain extent favored legislation which had been introduced by gentlemen who were associated with him in the senatorial contest; and, of course, going there and meeting these gentlemen in the senatorial contest first I naturally classified them in my mind as Van Wyck men or anti-Van Wyck men. I found subsequently during the session of the legislature gentlemen who were Van Wyck men hung together pretty well in legislative matters and those who were opposed to Senator Van Wyck were generally united in opposition to legislative matters or in favor—there were generally two divisions of them.

Q.—Did there seem to be any change in this man over the treatment he received, and which you have mentioned? A.—He made two or three speeches there in very violent contradiction of his previous attitude.

Q.—In the articles which you did write, state whether you were inspired by what Vandervoort said to you and by his associates? A.—Yes, sir, almost entirely. I had no feeling in the matter one way or the other. I had no disposition to say anything unpleasant of Mr. Rosewater or THE BEE, and I would not have written in the tenor that I did if it had not been for the instructions which I had received and the inspirations which I received in Lincoln.

Q.—You received the instructions from Rothacker and the inspirations from Vandervoort? A.—Not entirely from Vandervoort. From a number of gentlemen who were supposed to be in the interest of certain legislation and against certain legislation which the Republican paper opposed.

Q.—These people were opposed to Mr. Vandervoort there, were they not? A.—Yes, sir, oh yes.

Q.—Was that a crowd of gentlemen of those who were opposed to any restrictive legislation upon railroads? A.—Yes, sir, they were all opposed to the enactment of a railroad law which would repeal the old commission altogether and cause the appointment of a new commission with greater powers.

Cross examination, questioned by Mr. Mahoney:

Q.—What is your name? A.—Sumner Johnson.

Q.—You reside at present at Denver? A.—Yes, sir.

Q.—How long have you been at Denver? A.—I have been at Denver since September, 1887.

Q.—Have you been engaged in the newspaper business there? A.—Yes, sir.

Q.—Ever since you went there? A.—Yes, sir.

Q.—On what paper? A.—The Republican principally, and for a brief time I was on the Times.

Q.—In what capacity? A.—As a local man.

Q.—How long did you work for THE OMAHA BEE? A.—I came to Omaha in 1881 and worked until about 1883.

Q.—In what capacity? A.—As a reporter.

Q.—Did you attend any session of the legislature of Nebraska besides that of 1887 as a reporter for THE BEE? A.—No sir.

Q.—Didn't you attend any session of the legislature of Nebraska than that of 1887 as a reporter for any paper? A.—No sir.

Q.—That is the only session you attended? A.—That is the only legislative session of Nebraska I have ever attended.

Q.—You say you saw Mr. Vandervoort there during this session of the legislature? A.—Yes sir.

Q.—That is the regular session and the extension? A.—Yes sir. Of course I do not intend to convey the impression that I saw Mr. Vandervoort there every day during that time; don't know as I did, but I saw him at different periods, which left the impression in my mind that he was continuously there. I saw him quite frequently.

Q.—His headquarters were at the Capitol hotel? A.—I am not sure of that.

Q.—Do you know where he boarded? A.—No sir. I don't think he boarded at the Capitol hotel, however.

Q.—Do you know whether he had a room at the Capitol hotel? A.—No sir, I do not.

Q.—Had you been acquainted with Mr. Vandervoort prior to the session of 1887? A.—Only as having known him here in Omaha as being connected with the postal service. I had known that he had been superintendent, I think, of the mail service of the postoffice here.

Q.—You became personally acquainted with him then at Lincoln? A.—Yes, sir, that is right. That was my first personal acquaintance with him.

Q.—You served THE BEE until the close of the regular session? A.—I served THE BEE until the close of the regular session.

Q.—And then served the Republican through the extension? A.—Yes, sir.

Q.—The severance of your connection with THE BEE was a sham, was it not? A.—My connection with THE BEE was not a sham. My severance; well, yes, it was to a certain extent, yes, sir.

Q.—It was a sham? A.—Yes, sir.

Q.—Arranged between yourself and Mr. Rosewater? A.—Well, I was there.

Q.—You suggested it and he agreed to it? A.—Yes, sir, I suggested it and he agreed to it.

Q.—That is, you pretended to leave the employment of THE BEE? A.—Yes, sir.

Q.—And pretended to go into the employment of the Republican? A.—No, sir, there was no contemplation of that character; the only business reason for my leaving the employment of THE BEE was there were so many men there directing and handling legislation—that were opposing legislation—that it was impossible to obtain any information from them.

Q.—The plan arranged between you and Mr. Rosewater was that you should ostensibly leave the employment of THE BEE: that was the arrangement between yourself and Mr. Rosewater? A.—Yes, sir.

Q.—That you should ostensibly leave the employment of THE BEE for the purpose of putting yourself in a place where you could get information which you could not get as a reporter of THE BEE? A.—Yes, sir.

Q.—By representing yourself as in no manner connected with that paper to get into the confidence of men who would not otherwise allow you in their confidence? A.—I did not contemplate getting into the confidence of any of these gentlemen. I did not want their confidence, but to be permitted to go where they were and see what they were doing.

Q.—To go into their private rooms? A.—No, sir; not into their private rooms.

Q.—You took the trouble of going where they were in the halls of the legislature? A.—Yes, sir; in their legislative seats; but that is not where the legislation was enacted. The legislation was enacted in the private rooms and the secret caucuses.

Q.—This was for the purpose of enabling you to go into their private rooms? A.—No, sir; for the purpose of getting admission to the secret meetings of that character from which the reporters of THE BEE had been excluded.

Q.—Into the private rooms of these gentlemen? A.—No, sir.

Q.—These meetings were held in the private rooms? A.—Generally these meetings were held in the committee rooms, but a number of them were held in the private rooms of these gentlemen at the hotels. I was never in the private room of any of these gentlemen which was occupied for sleeping purposes at the Capitol hotel.

Q.—You were in the oil rooms? A.—Yes, sir.

Q.—Do you know to whom those rooms were assigned on the hotel register? A.—I never noticed.

Q.—You never went to see what was going on. A.—Yes, sir.

Q.—You never thought of going to see who these rooms were assigned to? A.—There was never any arrangement whereby these rooms could be assigned to anybody. They could not be occupied; they were bars.

Q.—On what floor of the hotel were they? A.—On the second and third floors.

Q.—Was there a bar there? A.—There was an arrangement across the room usually called the bar.

Q.—And a man behind the bar as bartender? A.—Yes, sir. An employe of the hotel. Ostensibly so; at least I thought so.

Q.—So far as you are able to determine that bar was run by the hotel people? A.—That is my impression. But it was run by the hotel on this plan, that anybody who was able to secure admittance to these rooms (and I never had been previous to severing my connection with THE BEE), and would not have been unless it was supposed by the boys that I was in with the play.

Q.—Who were the boys? A.—The gentlemen who favored any legislation which was particularly friendly to the various corporations.

Q.—Particularly the bill the repeal the old railroad commission law? A.—It was one of them; there was several.

Q.—You say that Mr. Rosewater preferred certain charges against the judiciary committee? A.—Yes, sir.

Q.—And preferred charges before the full house. A.—Yes, sir.

Q.—As the result of the preference of those charges an investigation was ordered by the house of those charges. A.—Yes, sir.

Q.—And the investigation was had? A.—No, sir, an investigation was not had.

Q.—Sessions were had, witnesses were called? A.—Only one session was had; I think only the informing witness, Mr. Rosewater himself, was called.

Q.—Where was Mr. Rosewater? A.—He was at that time in Lincoln.

Q.—Did he appear before the committee? A.—He did.

Q.—Were there not other sessions of the investigating committee, and was not Mr. Rosewater called for and was not he in the east at the time and beyond the reach of a subpœna? A.—Yes, sir; but during the first meeting of the first session, which ordinarily was to have held distinct sessions in secret—in private—they being liable to a public exposure; a certain clique in the house became alarmed and by the force of an agreement which extended between fifty-four of the members of the house that they should stand by or defeat any proposition upon which a majority of their number agreed they were able to throw open the doors of this investigation, and thereby prevent the procuring of testimony of witnesses who were afraid of assassination if they appeared before the committee in that open investigation.

Q.—The making the investigation open instead of secret drove away witnesses who were otherwise willing to testify? A.—It prevented the testimony of witnesses who were afraid of assassination.

Q.—Was Mr. Rosewater afraid of assassination? A.—No, sir; he appeared personally and preferred the charges.

Q.—Did he appear before the committee? A.—No, sir; because he had preferred his charges.

Q.—Were there any further calls for Mr. Rosewater to appear before that committee? A.—Yes, sir, and the purpose of the call was to obtain from him the facts which the witness would testify to. As soon as he discovered that this majority of the house had entirely ruined the possibility of any such thing as an investigation, and that they had substantially whitewashed—in other words making the investigation open and above board—resulted in the defeat of the investigation; after making the investigation open so that the names of the witnesses and the hearing of their testimony would defeat the investigation; there is no question about that down there, because some of the witnesses who would have testified were, to a certain extent, those implicated, and that was the only method whereby any information could be obtained.

Q.—Mr. Rosewater had given the names of those witnesses to them? A.—No, sir, he had the names of those witnesses.

Q.—And he had those names given to them? A.—I think so; yes, sir.

Q.—As a result of his going away the committee was unable to get the witnesses? A.—Not as a result of that; I think they could have been obtained, because I am satisfied the chairman had in his possession the names of the witnesses.

Q.—What do you mean by saying Mr. Rosewater was called for by the session to produce the names of the witnesses? A.—He was called up for the purpose of producing the papers which he had originally presented to the committee, containing information as to what these witnesses would swear to.

Q.—Then, when he filed those charges he presented a paper to the committee of the house; to the chairman of the committee? A.—The whole thing was in a nutshell like this: Mr. Rosewater was called before the committee as a witness, and during his examination before that committee, and after they had succeeded in obtaining from him information which they desired—I was in the house at the time I heard of the movement and the machinery by which it was worked; the resolution was sprung in the house to change the character of this committee, if I remember rightly, and to hold an open investigation, thereby taking advantage of the information which Mr. Rosewater had preferred and preventing the possibility of the testifying of these witnesses whom he had mentioned.

Q.—And would that prevent their testifying? A.—Yes, sir.

Q.—They could be reached by subpœna? A.—Yes, sir; but at the same time it was impossible to obtain the testimony of some of these gentlemen upon the vital points at issue.

Q.—Were those gentlemen subpœnaed. A.—No, sir.

Q.—How do you know? A.—Because I had been informed they would never appear before an open investigation and testify.

Q.—If they had been subpœnaed would they have appeared? A.—I do not know.

Q.—What was it the committee wanted from Mr. Rosewater at the time he went away? A.—So that the testimony of Mr. Rosewater could be examined as to the matter and the importance of the substance of his evidence and charges.

Q.—The further testimony they wanted from Mr. Rosewater they did not get? A.—I do not know if they could have obtained any further testimony, because Mr. Rosewater was not aware of any new witness in the matter, except, perhaps, in one instance.

Q.—You spoke of Mr. Vandervoort asking you to write a couple of articles referring to certain gentlemen, members of the house—one of those was Mr. Russell? A.—Yes, sir; and the other Mr. Slater.

Q.—Were both of those members of the judiciary committee? A.—Yes, sir.

Q.—Did they come up in connection with this investigation? A.—My impression is that these articles were written about the time that this investigation was pending.

Q.—Was this investigation pending while you were working for THE BEE or Republican? A.—While I was working for the Republican.

Q.—During the extension of the session? A.—Yes, sir. I have here some data which will refresh my memory, because I went to the files of the Omaha Republican yesterday and obtained it and I can state distinctly as to the dates. Mr. Russell was—his biography was published in the Republican on March 16, I think in the Republican on the 16th, in connection with the article which described the language he used to Mr. Rosewater, as Mr. Rosewater appeared in the house at the time that Mr. Russell was speaking upon this question.

Q.—After the charges had been introduced? A.—I think after the charges had been introduced, yes, sir, and on the 16th, the following day, I published—I wrote also, which was published in the Republican, an encomium for Mr. Slater, and on the 19th I find here that Mr. Rosewater had—it was then published that Mr. Rosewater had left the city.

Q.—You charged Mr. Rosewater at that time with having left the city for the purpose of evading the investigating committee? A.—Yes, sir. I was writing under instructions. I did exactly as I was told to do.

Q.—Were you told to write any specific charges? A.—I was told to throw Mr. Rosewater into ridicule.

Q.—But at the same time you would not intentionally lie about him to carry out your instructions? A.—I did not lie about him.

Q.—Were you not charging him with having left for the purpose of evading the committee? Did you tell the truth? A.—I did not say that.

Q.—Did you charge him in that article of having left for the purpose of evading it? A.—No sir.

Q.—Did you not say that in substance? A.—I think I conveyed that impression.

Q.—You intended to convey that impression; did you not? A.—I think so, yes, sir.

Q.—Did you not believe that was true at the time? A.—I was aware it was not true.

Q.—Do you expect this court to believe your testimony now, Mr. Johnson? A.—That is another proposition entirely; that is for the court to determine. I was working under very peculiar circumstances. I was acting under Mr. Rothacker's instructions entirely, and a newspaper reporter is obliged to do and write exactly what he is told to write.

Q.—Regardless of whether he believes it to be true or not? A.—Yes, sir.

Q.—Do you think that is part of the moral code of newspaper men? A.—I think it is part of the business. I don't know whether it is part of the moral code or not. I have had fourteen or fifteen years experience and in that time I have written a great many things which were not true.

Q.—Who is Mr. Caldwell? A.—He is a member of the legislature from Lincoln—Lancaster county, I think.

Q.—He was a member of the legislature of 1887? A.—Yes, sir.

Q.—And has been since that? A.—I am not informed.

Q.—Was he a member of the judiciary committee? A.—Yes, sir.

Q.—When he made this declaration that if it were not for Mr. Rosewater's family he would shoot him as he would a partridge, it was in connection with Mr. Rosewater's charges? A.—It was not in consideration of Mr. Rosewater's wife; it was his own wife.

Q.—When Mr. Caldwell made the remark that if it were not for his own wife he would shoot Mr. Rosewater as he would a partridge, it was following the charge that Mr. Rosewater had made against the judiciary committee? A.—It was immediately following. Mr. Caldwell, of all the committee, was apparently the most excited and the most perturbed. He was violently disturbed—like a man who had been grossly insulted or like a man who had been very skillfully detected, one of the two; it was difficult to determine which.

Q.—Very angry? A.—Apparently so. He was raving.

Q.—He made that statement—he made that statement in your presence? A.—Yes, sir.

Q.—And in the presence of Mr. Vandervoort? A.—Yes, sir; Mr. Vandervoort was standing there.

Q.—And in the presence of whom else? A.—I am under the the impression that Mr. Slater was there and that Mr. Russell was within hearing, and as Mr. Russell turned around he shook his finger at him and said, "shoob."

By the Court.—Who said that? A.—Mr. Russell.

Q.—By Mr. Mahoney: Mr. Vandervoort had taken no part in that conversation? A.—No, sir.

Q.—None whatever? A.—No, sir.

Q.—So that you have no reason for believing that Mr. Vandervoort had anything to do with Mr. Caldwell making that threat? A.—No, sir.

Q.—Or that it was from any suggestion of Mr. Vandervoort? A.—I have no reason to believe it was any suggestion of Mr. Vandervoort, no sir. I have only a reason to believe that the threat was made by Mr. Caldwell as an outgrowth of the very bitter personal hostility which prevailed against Mr. Rosewater on the part of all these men.

Q.—And as an outgrowth of the anger and indignation felt by Mr. Campbell at the time—is not that true? A.—Well, he acted more to me like a man at bay; like a man who was caught and snarled.

Q.—Did you know whether he was specifically charged with having received any bribes? A.—There was no specific charge—my memory serves me a little better in relation to the questions which you asked me a few moments ago. I think the purposes of Mr. Rosewater at the time was that he was obliged to go away and was necessarily absent from the legislature, and at the time the committee also knew that he was necessarily absent and that he could not be obtained when they were so anxious to call him. I think the purpose of it was to secure from him specific charges against some of these gentlemen; that is, that was the ostensible purpose. Of course the gentlemen that were urging that Mr. Rosewater be recalled were aware that Mr. Rosewater would not come back and was on his way to Cleveland or Cincinnati on important business, which he had announced for a week or ten days prior to that time, and which would cause him large pecuniary loss if he did not get there.

Q.—Did you know that personally or from Mr. Rosewater's statement? A.—I knew it personally and at that time, and the reason why I knew it was this: I had endeavored to dissuade Mr. Rosewater from preferring these charges, for the reason that I was satisfied that if he would wait three or four days longer I could have had some of these gentlemen in the position where they would have been in Lincoln permanently; but unfortunately he was so influenced by his business considerations that he preferred the charges about two days too early.

Q.—You thought something was going to happen in the next few days? A.—I am satisfied in the next two days I would have had the admission before witnesses of at least one member of the judiciary committee as to the arrangements which had been made for them to get this money which was in the bank in consideration of the killing of the anti-gambling bill.

Q.—You say you saw conferences between members of that committee and gamblers? What members of the committee? A.—Mr. Slater and Mr. Caldwell were in conference with a Lincoln gambler whose name is Sheedy. I think he is now dead.

Q.—He is now dead, is he? A.—I think so; also a gambler from Omaha by the name of Goodly Brooker.

Q.—When did you see Mr. Caldwell and Mr. Slater in conference with Mr. Sheedy? A.—It was on the night of March 4, I think; March 3 or 4; it was early in the month of March.

Q.—Where was that conference? A.—It was at the corner of the street where the Capitol hotel stood.

Q.—Out of doors? A.—It was out of doors, yes, sir.

Q.—Just those three men standing there together? A.—No, sir; there was another individual whom I don't know. There were five men all told.

Q.—Let's see—five men with Caldwell and Slater? A.—Yes, sir.

Q.—Did you see Brooker? A.—Yes, sir.

Q.—That's four. What other man? A.—There was another man. There were five men all told. The way I came to see them at all was by my going out of the hotel with a contemplation of going home, and as I passed by I was surprised to see these two gentlemen standing there talking with these two men, whom I knew to be gamblers.

Q.—How long did you see them there? A.—Possibly ten or fifteen minutes. I went to walk up the street and turned around and walked back towards them and walked in that direction (indicating).

Q.—You saw them standing there and talking about ten minutes? A.—Yes, sir.

Q.—You don't know what they were talking about? A.—No, sir.

Q.—What time was that? A.—About 2 o'clock in the morning.

Q.—On March 4? A.—I am not positive of the date; it was early in the month.

Q.—Vandervoort had no connection with that that you know of? A.—Not that I know of.

Q.—You never saw Vandervoort in conference with any gamblers down there at Lincoln? A.—No, sir; I never did.

Q.—You say you saw Mr. Vandervoort in the room that you designate as the "oil room" twice? A.—I am of the impression; my impression is that I have seen him more than twice; but on two occasions I remember it particularly.

Q.—Were you in the room on those two occasions? A.—I was.

Q.—Who else was in the room? A.—On one occasion Mr. Gurley and Mr. Crawford were there, besides Mr. Vandervoort and some gentleman I don't know. I was introduced to him at the time, but his name has escaped my memory.

Q.—Where is that member from, Columbus? A.—I am not sure. I knew him there only in Lincoln.

Q.—J. C. Crawford, they call him Judge Crawford? A.—I think that is his name. He is a small, slight man, with a somewhat prominent Roman nose and somewhat deaf.

Q.—Stands on his toes when he speaks to you? A.—That's something I don't remember very distinctly.

Q.—And Mr. Vandervoort and Mr. Gurley? A.—Yes, sir.

Q.—That was on one occasion? A.—Yes, sir.

Q.—Were there any members of the legislature in there on that occasion? A.—I think that Mr. Garvey was.

Q.—How long were you in the room that time? A.—Oh, probably fifteen or twenty minutes.

Q.—Was anything drank there during that time? A.—Yes, I think some whisky was disposed of.

Q.—Who ordered it? A.—I am not positive as to that—some of the gentlemen.

R.—Ordered it from the bartender. A.—Yes, sir; it was served by the bartender.

Q.—And drank by all present? A.—Yes, sir.

Q.—Do you remember whether Vandervoort drank any? A.—That's something I can not positively testify to.

Q.—You saw him on another occasion. Who was present on the other occasion? A.—On the other occasion I think that Mr. John R. Manchester and Herbert Leavitt were there. I think there were also in the room two or three members of the legislature. There was quite a party in there.

Q.—Do you remember what the names of the members were? A.—I don't remember.

Q.—How long were you there at that time? A.—I was there probably ten or fifteen minutes.

Q.—Was there anything drank there at the time? A.—Yes, sir; they were drinking; that is how I came to go into the room. I was going past and Leavitt called me in.

Q.—It was not a member of the legislature? A.—No, sir.

Q.—Aside from the drinking you saw nothing improper in there? A.—I saw nothing improper in those rooms at any time except drinking, and that could hardly be called improper at any time at regular hours except on Sunday.

Q.—Then, the impropriety is not in the drinking, even on Sunday? A.—I am under the impression it is in the sale on Sunday, and possibly so in the drinking.

Q.—You say it was about midnight on those two occasions you saw them there. A.—Somewhere along there.

Q.—You do not know whether it was before or after. A.—It was late at night; the customary habit was after the bar shut up for the members of the legislature and persons who were about the legislature to go to these rooms, if they had the necessary sesame to go there.

Q.—You say you have seen members of the legislature go to houses of ill fame. A.—Yes, sir; on one or two occasions.

Q.—How many members have you seen go there. A.—I have seen perhaps six or seven.

Q.—Go together. A.—Yes, sir.

Q.—In a group. A.—I do not think I ever saw six or seven together in a group; I was present one night at a time when two went; I accompanied them.

Q.—You accompanied them? A.—Yes, sir.

Q.—You went to the house with them. A.—Yes, sir.

Q.—You saw others go, did you? A.—I did.

Q.—Did those two you went with go from the Capitol Hotel? A.—Yes, sir.

Q.—Do you know whether or not these men had gone from this oil room; did they leave the oil room in your presence? A.—No, sir; they did not. I am not positive as to that; I could not say as to whether they had been in the oil room or not; in all likelihood they had, because it was after midnight, and they came down stairs, and I am under the impression that I joined them there and was invited by them to go along.

Q.—And they came down stairs? A.—Yes, sir.

Q.—That is the reason they came from the oil room? A.—Not necessarily; no, sir. I did not at the time think anything particular about it. They were both somewhat intoxicated, because it was on that occasion that one of them informed me there was in existence such an arrangement as I have referred to a few moments ago—an agreement between the majority of the house.

Q.—All through that session of the legislature it was a matter quite customary, was it not, for members of the legislature to have liquors in their private rooms, and drink occasionally? A.—As to that I can not say; I never was inside of anybody's private room. I wish to modify my statement of a few moment ago on that one point. I stated I had never been in any private room; I was never in any private room of the hotel except with Mr. Gurley. It came to me afterwards that I had been once in Mr. Gurley's room, which was near the head of the stairs. Upon that occasion there were four or five gentlemen there, and somebody ordered drinks from the bar. They were sent up from the bar.

Q.—So these two gentlemen of the legislature came down stairs somewhat intoxicated, and they came from the private room and had been drinking there? A.—Yes; that is possible.

Q.—Might have been drinking before? A.—Yes, sir.

Q.—Do you not know anything to indicate that Mr. Vandervoort saw those people about the houses of ill-fame? A.—No, sir; I never saw Mr. Vanderxoort in a house of that kind that I know of.

Q.—Now, on the other occasion you say you saw other members of the house go there—members of the legislature go to houses of ill-fame? A.—Yes, sir.

Q.—How many on the other occasions; was there more than one other occasion? A.—No; I never saw inside of an establishment of that kind in Lincoln but twice, and these were the two occasions, and both times I was accompanied by members.

Q.—Both times you were accompanied by members? A.—Yes, sir.

Q.—The second time did members of the legislature go from the Capitol hotel? A.—My recollection is that they did.

Q.—You went with them from the Capitol hotel? A.—Yes, sir.

Q.—Mr. Vandervoort was not in their company? A.—No, sir.

Q.—You do not know of any facts to indicate that Mr. Vandervoort sent those men to the houses of ill-fame? A.—No, sir.

Q.—Mr. Johnson, the purpose of these visits to these houses of ill-fame was the ordinary purpose of visits to such houses, was it not? A.—That is something I would not feel able to testify concerning. I know that upon the occasion the gentlemen with whom I went to those houses disappeared and I retired from the establishment.

Q.—You naturally expected them to disappear after you got to the house, didn't you? A.—That is something which I could not say that I did; I do not know.

Q.—You met no lobbyists that you know of at those houses when you went there with those gentlemen? A.—Yes, sir, I have.

Q.—You say you knew of one instance of a member of the legislature becoming suddenly flush at Lincoln? A.—Yes, sir.

Q.—Who was that member? A.—Well, if you wish me to testify to his name I shall do so; I would prefer not to; I do not wish to throw any odium upon the man. He was Mr. Tingle, a member from the northwestern part of the state.

Q.—You say he belonged to the Van Wyck element? A.—Originally he had, yes, sir.

Q.—Had you ever seen Mr. Tingle in the oil room? A.—Yes, sir, I have seen Mr. Tingle in the oil room.

Q.—Was Mr. Vandervoort present? A.—I cannot say positively as to that.

Q.—Did you ever see Mr. Tingle at any of those houses of ill fame? A.—Yes, sir.

Q.—About what time in the session was it that Mr. Tingle told you one day he was out of money? A.—I think it was about the 5th or 6th of March.

Q.—Was that after the close of the regular session? A.—Yes, sir.

Q.—Were you working for the Republican at that time? A.—Yes, sir.

Q.—How did he come to tell you he was out of money? A.—We were sitting in a little saloon adjoining the Capitol hotel and a gentleman came in whom he knew, and he requested this man to loan him $5, I think; it was either $3 or $5.

Q.—Tingle requested the other man to loan him that? A.—Yes, sir. And the man said, "I am sorry I cannot accommodate you now; I will have some money by and by." Tingle made the response, "Well, I am flat broke; I need some money today." And I was considerably astounded the following day when he made this display of money. It was in the Capitol hotel.

Q.—Who was present? A.—No one else except myself, I think.

Q.—How did he come to make the display? A.—He asked me in to the bar to have a drink with him. I went in there with him, and when we got in I noticed he was considerably intoxicated; and he pulled out this money, and made the remark that he was not broke today; and he remembered the incident of the day previous.

Q.—You know nothing about where he got the money? A.—I do not; I only know it was very remarkable that he took the extraordinary position that he had upon some questions subsequently.

Q.—What questions? A.—Well, particularly upon railroad legislation, and particularly upon this question of the increasing of the size of the committee of investigation. I know that he was one of the most vociferous speakers in favor of it, as it was called an open and above board investigation. It was in reality a whitewashed investigation.

Q.—Was he a member of the judiciary committee? A.—No, sir; I think not.

Q.—Was the railroad commission bill still pending at that time? A.—Yes, sir; it was pending in a certain way. It had been substantially defeated, I think, at that particular time.

Q.—He had supported that bill, had he? A.—He had supported it up to that point, and then he switched.

Q.—Up to what point did he support it? A.—He supported it up to the point where it was proposed to substantially emasculate the bill—I have forgotten—as an amendment which was introduced—and then I was surprised at the sudden change Tingle assumed in the debates that fall.

Q.—Was that before or after you saw him have the money? A.—That was almost immediately afterwards.

Q.—It was in March? A.—Yes, sir.

Q.—Then you say that was in the amendment introduced on the 5th of March that he made a change of position? A.—I think it was; yes, sir; that is my impression.

Q.—You know of no facts connecting Mr. Vandervoort with either the impecunious condition of Mr. Tingle? A.—I do not, personally.

Q.—You say you received your instructions from Mr. Rothacker and your inspiration from Mr. Vandervoort? A.—I do not think that I used the expression that I received my inspiration; I think that I said I was instructed by Mr. Rothacker to go to Mr. Vandervoort for instructions, and then Mr. Vandervoort told me what to write and what I was to do; that's what he told me.

Q.—Do you mean to say you received your instructions from Mr. Rothacker and your inspiration from Vandervoort? A.—I mean to say that I acted under Mr. Vandervoort's instructions in consequence of my instructions from Mr. Rothacker.

Q.—Mr. Johnson, did you not apply for employment on the Republican? A.—No, sir, I did not.

Q.—Did you not say to Mr. Rothacker that you desired employment on the Republican, and that you had been discharged from THE BEE on account of refusing to do certain dirty work wanted of you by Mr. Rosewater? A.—I do not think I made that statement to Mr. Rothacker; I think I told Mr. Slater—that Mr. Slater asked me why I had left THE BEE; I think I conveyed that information to Mr. Slater, and I think Mr. Slater at that time told me that I would be taken care of; there would not be any trouble about that; I told him that I was all right anyway, and I didn't worry about it at all.

Q.—That is the same Mr. Slater you have spoken of who was a member of the judiciary committee. A.—Yes, sir.

Q.—You say you didn't make that statement to Mr. Rothacker? A.—No, sir, I don't remember having made that statement to Mr. Rothacker; I think Mr. Slater and subsequently Mr. Vandervoott assured me of their good wishes toward me upon my retirement from THE BEE, and in reply to the questions that these gentlemen asked me—if I had a disagreement with Rosewater—I did not use the expression "dirty work;" I used the expression "certain work" which Mr. Rosewater wanted me to do, and that was the reason why I retired; immediately upon my retirement from the employment of THE BEE and Mr. Rosewater I noticed that I was received with a great deal more friendliness by a large number of gentlemen who, previous to that time, had been extremely solicitous to keep out of my way.

Q.—In other words, you were received with more cordiality by the anti-Rosewater and the anti-Van Wyck element? A.—I was received with a great deal of cordiality by the lobby element who were hanging around the legislature making their living out of the legislature.

Q.—Who were those men that received you with great cordiality after that? A.—Mr. Gurley was very pleasant to me; Mr. Vandervoort was also very pleasant, and Mr. Vandervoort assured me that I would be taken care of, or something to that effect; Mr. Merriesey, who was down there a great deal of the time——

Q.—He was down there as a newspaper man, was he not? A.—I do not remember whether he was representing a newspaper or not.

Q.—Wasn't he connected at that time with the Herald? A.—I do not know, but he at the same time was extremely active in the lobby—that is, in endeavoring to interest the legislature in accordance with the views of Mr.