THE CUBERNATORIAL CONTEST

It Brings Three Energetic Inquisitorial Forces Into the Field.

PROHIBS LOOKING FOR MOB EV DENCE.

While United States and District Judges Swear the Election was the Quietest Ever Known in Omaha.

"Everything is fair in ove and war," mut tered one of the atterneys for contestants in the gubernatorial and state contest, as he propelled his rotund but very abbreviated form up and down the shady side of the corridors on the seventh floor of the New York Life building yesterday morning.

There was something in the wind and this man was as mysterious as the odor of Limburger cheese as he endeavored to impress upon the authorities the fact that he "really didn't know what was going on."

It was the time set for the taking of testimony in the contest case, but nobody seemed to know anything about where the testimony was to be taken, or at what hour the taking of testimony would commence.

Mr. Lamb and his partner, Mr. Wilson of Lincoln, attorneys for Mr. Powers, were on hand and consulted in a corner with Mr. Allen of Madison, another of the attorneys

Anen of Manison, another of the attorneys for the independents.

Mr. Charles Ogden and Mr. Offut basked in the sunshine of each other's smiles and shook nands cordially with the attorneys from the other part of the state.

Mr. Charles Hall was there from Lincoln and J. L. McGintic, who is looking after the interests of George H. Hastings, the attorney-general-elect, had left his home at Charles behind him.

Mr. Gondy was also there to see that his

Mr. Goudy was also there to see that his brother, the newly elected superintendent of public instruction, was not left out in the

J. L. Webster locked on for a while, but early became disgusted at the lack of system and made room for some more patient spec-

tator.

The rotund probibition attorney announced that he was waiting for the "other fellows," and vouchsafed the information that he did not want to take a snap judgment. It soon transpired, however, that he was waiting for the other fellows, not to come, but to go, and, as soon as the attorneys on the other side were all in consultation in another part of the building, the probib Strickler hustled Elmer E.

Thomas the notary into the little tucked-up Thomas, the notary, into the little, tucked-up office of Potter & Waring, and in less time than it takes to tell it a witness was sworn. For the information of the surprised specta-tors, Mr. Strickler stated that be merely wanted the witness sworn so as to hold juris-diction to prevent the other side from freez-ing out the balance of their testimony.

W. W. Cox of 2500 Spaulding street was the witness sworn, and he was only asked to state his residence and whether or not he was an elector in this county at the time of the last election. He was first called in the gubernatorial case, and as soon as the nail was satisfactorily clinched in that, he was called in the case o the independent candidates for the balance of the state offices against the repub-lican candidates elect. The same questions were ased in each case. E. E. Thomas was notary for the contestant in the case of Powers vs Boyd, and Mr. MacLeod was the designated notary for the contestant in the

other case.

As soon as the witness was sworn be was excused, and court was declared adjourned until 2 o'clock in the afternoon. It was then announced that according to stipulations entered into between the attorneys the further taking of testimony would [be concluded in No. 720, the vacant room across the hall, where there was more space, Chairs and tables were moved in, and Notaries Thomas and Cobb, representing the contestant and contestee in

representing the contestant and contestee in the case of Powers vs Boyd, took their seats. The contestees prepared to go ahead with their side of the case in accordance with a stipulation by which the other side agreed that the first day in this city should be given over to the contestee to introduce a part of his evidence, inasmuch as the contestant han been allowed rull swing at Lincoln. An attempt to place Judge Dundy on the witness stand called forth vigorous opposition

on ethe part of Messrs. Lamb and They held that the place designated for the further introduction of evidence was room 709, otherwise known as Potter & Waring's 709, otherwise known as Fotter & Waring's office, and they ordered their notary, Mr. Thomas, to leave the room. Thomas started to go, but was halted by Mr. Howe who objected to a dissolution of the court. At a look from Mr. Lamb, Thomas suddenly remembered that he had no business there, and said that he would have to withdraw as the stipulated place was withdraw, as the stipulated place was across the hall and he didn't know what he came for anyway. The contestants offered to produce another The contestants offered to produce another notary, but the contestees would have none other than the one properly designated, and after a wordy but good natured wrangle of several minutes' duration, a stampede was made for the office across the hall, No. 709, and the chairs and tables were all tumbled back again. Still Mr. Thomas was missing, and after the patience of correlative was merry expansive. of everybody was nearly exhausted, Mr. Lamb stated that they would waive all objections and proceed without him before No-

Julge E. S. Dundy was then called and affirmed as follows:

"Have been judge of the United States district court since 1868. Am a resident of this city, and voted at the last general election. I voted at the Ninth ward polling place, at Twenty-ninth and Farnam, early in the forencen. Was there until nearly noon, and twice during the afternoon. There were about one hundred and fifty persons there all the time. The crowd maintained perfect good order. There was no quarreling and no good order. There was no quarreling and no disorder of any sort with one exception. There was one foolish sold of the prohibition question, and I understood he was working for Benton. Interest all seemed to center in one thing, opposition to the amendment. I have voted there ever since the ward was established and at all general elections. This was the most orderly one I ever saw there. There was no contention between the friends of candidates so far as I could see.

friends of candidates so far as I could see.
With United States District Attorney Baker
and Deputy United States Marshal Mercer I visited the polling places at Sixteenth and Farnam, Sixteenth and Dodge, two or three in the Third ward, and some others. Everything was quiet and orderly wherever went. I never saw it so orderly anywhere There was no disturbance except the one I mentioned, and that was not serious. My mentioned, and that was not serious. My object in visiting the polls was to see the character of the crowd and see if there was any fun in sight. The disturbance referred to consisted or threatening somebody who was supposed to be peddling prohibition tickets. I heard nothing on election day of any one being prevented from voting, and I looked particularly to see if any one was obstracted. history of the city. Never heard of any senti-ment that would tend to prevent a free ex-pression of Powers' supporters. No one with whom I ever conversed seemed to think that Powers was at all formidable or had any

Cross-examined—I am a reader of some of the Omaha papers. Don't remember that they claimed that the fight was between Boyd and Powers, and that Richards wasn't in it. My precinct is not far outside the business of the city; left the last polling place

ofter 5 o'clock.

Owing to the cramped quarters, the court the real estate exchange Owing to the cramped quarters, the court then adjourned to the real estate exchange headquarters, room I, on the first floor, and the hearing proceeded before Notary Cobb. Messrs. Offut and Ogden, representing the contestee, while Mr. Wilson conducted the cross-examination in behalf of Mr. Powers.

B. S. Baker, sworn—Have resided in Omaha since February of this year; voted in this city at the Second precinct of the Seventh ward at November election of this year; woted about 8:30 or 9 o'clock; went to polls shortly after they were opened and was there until after 11 o'clock, and was there sgain in the afternoon. It seemed very quiet and peaceable. A great many were working in the interest of Mr. Boyd and others working for Mr. Richards. Everything was harmonious and no one was prevented from doing as he pleased. There was no molestation, and no one was even boisterously talked to. and no one was even boisterously talked to. Heard nothing said about Mr. Powers. Saw

no one working for him or against him. Was doing what I could for Mr. Richards. Was at several precincts in the Third, Fifth and Eighth wards. I drove to the Eighth ward in company with Mr. Metcalf, and visited several polling places on both sides of Cuming street. Didn't see but one or two peddling the full independent ticket. It had been reported that some of the prohibitionists had been egged there, and that was why I went there, but to my surprise I found everything very quiet. Went to the Fifth ward, and was at three poling places on Sixteenth street, being at each about fifteen or twenty mnutes. There was no discussion or demenstration of any kind that would attract attention. So far as I could observe there was no interference with any persons of whatever political preferences. Have not heard that any person was prevented from voting for any candidate but have heard that two parties supporting the prohibition amendment were egged by both democrats and republicans. Heard that they were interfered with because they were boisterous and made themselves very obnoxious, and not because they voted the prohibition ticket. Have been a voter for years, and never saw a more peaceable election. Did not see an intoxicated man. It was as quiet as in the country, and seemed to be observed as a holitoxicated man. It was as quiet as in the country, and seemed to be observed as a holl-

day."

Cross-examined—The prohibitionists were not interferred with to prevent them from voting, but to keep them from making to much noise. Saw a great many republicans of the Seventh ward working for Boyd. Was at the republican primaries. Was at two precincts in the Seventh ward. There was a great deal of anxiety. Would not care to use a stronger word. It was a very fair primary, fully as much so as the average. On election day, at one of the polling piaces, saw a little crowd standing apart, and on inquiry was informed that they were waiting for the egg basket. From their looks understood it to mean that they were waiting to be bribed.

to be bribed.

Re-direct examination—Visited the wards where I expected to see trouble. Had heard of the trouble is the Third ward in previous elections, and that was why I went there.

Cross-examined—My knowledge of the Third ward was not all gained during the session of the legislature two years ago. Did not at that time vote to throw out the whole county, only a part of the Third ward.

to be bribed.

county, only a part of the Third ward.

Judge Eleazer Wakeley sworn—Am judge of the Third judicial district. Reside in Fourth district of Fifthward, in the same house in which I have lived for twenty-two years. Voted at the November election and visited the polls in the forenoon. Was there about twenty minutes, and visited the polling place twice during the afternoon. The election was conducted in a very quiet and orderly manner. Some ten or fifteen were peddling tickets at Fifth ward polis. Several were peddling democratic tickets, others had republican tickets and others with a badgeon the lapel of their coats were peddling tickets for the prohibitory amendment. Don't know what candidates they were working for. There was no bustling to get tickets into the hands of the voters; in fact, not as much as I had usually observed at elections. It was the most quiet and orderly election I ever saw. Know that no one was prevented from voting while I was at the polls. Stopped at two other polling places on my way down town—one at corner of Davenport and Six-teenth and the other at the corner of Dodge and Sixteenth, if I remember correctly. Was at each about fifteen minutes. The situa-tion was the same as in the Fifth ward. Everything was unusually quiet and orderly and all was free and unobstructed. Was surprised to find that there was no delay Was surprised to find that there was no delay in voting, as I had expected to find such a crowd that I would be delayed. Have voted forty-six times at general elections, and I have to say that I never witnessed a more quiet and orderly election and one freer from all obstruction than I saw last November in the precincts which I have mentioned. I have voted in Ohio and in several places in Wisconsin as well as in this state. In response to inquiries was teldthat an unusually large vote had been polled early in the day as an explanation of the small number as an explanation of the small number about the polls in the afterneon. I did not see a man who appeared to be under the influence of liquor, and I noticed that the business houses generally were closed. The city had the appearance of its being a holi-day.

Cross-examined-I have been affiliated with the democratic party since I have been in the state. I think somebody showed me an independent or mongrel ticket during the after-

Re-direct examination-I voted for James

E. Boyd for governor.

Judge J. R. Clarkson sworn—I am judge of the Third judicial district; have lived in Omaha ten and a half years voted at the November election in the Fourth ward. I voted about 8:30 o'clock and was there again three times during the day. I thought it was a remarkably orderly election and saw no obstruction at the polls. Was at four or five different polling places; was at each during the morning and again during the afternoon; visited them to see how the vote was going. It was the most orderly election I have ever seen in Omaha, and I know of no case who was obstructed in voted about 8:30 o'clock and was there again and I know of no one who was obstructed in voting. Saw no signs of disorder, and with the exception of one polling place on Capitol avenue, saw no signs of drunkenness. The city wore a Sunday air, the business houses

city wore a Sunday air, the business houses being closed, showing the great interest felt in the election. I am a republican.

Cross-examined—I voted for James E. Boyd, the only democrat I supported. Interest in the election caused me to visit the polling places. I was interested in seeing prohibition defeated. Was interested in the election of James E. Boyd. Don't know as Bord's capability and a synthage, to do with Boyd's candidacy had anything to do with the prohibitory amendment. Think it was the general sentiment that he would be the best man to have in the graphs. best man to have in the gubernatorial chair in case there was any closeness. The elec-tion was not funereal by any means, but it was a happy one because of the prospect of defeating prohibition. There was no undue

hilarity.
Redirect Examination—The contest in this city was largely prohibition vs anti-prohibi

Cross-examination-Don't know that it was Cross-examination—Don't know that it was understood that Powers had given to the prohibition fund and was a prohibition man. At this stage of the proceedings an adjournment was taken until 2:30 o'clock.

AFTERNOON SESSION.

An agreement had been entered into by the An agreement had been entered into by the time operations were resumed in the afternoon, by which the real estate exchange chamber was made to shelter the whole of the three ring affair, and the taking of evidence went on in different corners. Mayor Cushing was the first witness for the con-testee in the Powers-Boyd contest before Notaries Day and Cobb

Mayor Cushing testified as follows: Mayor Cushing testined as lower:
Am mayor of the city of Omaha. Have resided here for six years and in the state for twenty-one years. Resided in the Fourth ward and voted in the Third precinct of that ward at the last election. Was there beward and voted in the fitter of the ward at the last election. Was there between S and 6 o'clock, and at several other times during the day. Was in the mayor's office the greater part of the day, as there was an understanding with the chief of police that I should be in direct communication with him in anticipation of trouble. About 3 o'clock I went out to see if there was any-thing like a riot, as a telegram had been sent out over the state to the effect that the city was in the hands of a mob and the streets were running blood; that a fair election was not being held, and as I had received no such information from the chief of police I started out to see personally if the report was based on a foundation of facts. I saw but one drunken man, and he was coming from Council Bluffs, and was not near a polling place. It was the most peaceable election I ever saw either in Omaha or out of it, and I have voted either in Omaha or out of it, and I have voted at all elections since I have been here, having voted at Plattsmouth and Lincoln. There were regular policemen on duty on election day, and under the instructions of the board of fire and police commissioners forty-one special policemen were cetalled for duty on that day. A special effort had been made to get out a large vote and additional polling precincts were created. Previously there had been aincteen, and at this election there were forty-one. I received no notice of anyone being prevented from casting his ballot. Some trouble was anticipated, as it was announced that there would be ballot. Some trouble was anticipated as it was announced that there would be bands and singing to create confusion at the polls, and the chief of the fire department was instructed to keep all of his men on duty and in case of a riot turn the hose on the crowd, thinking that a more merciful way of dispersing them than with gatling guns. It was intimated that the prohibition ist intended to get possession of the

polls early in the morning and then challenge every one who appeared and prevent the casting of a full vote. I was determined to allow every legal voter an opportunity to cast his vote so far as it lay in my power. The result of the circulation of the New York Voice and the Bumble Bee in this city was to inspire the disgust of the better class of citizens, and while I think it did not influence the voters against Mr. Powers, it undoubtedly increased the vote against prohibition. The city was quiet, and there was unusual sobriety on all sides. A proclamation was issued ordering all saloons closed on that day and the police department saw that the order was enforced. The executive department of the city would not have countenanced, either directly or indirectly, any attempt to intimidate any person who was circulating a ticket of any kind or in support of any candidate. I know of or in support of any candidate. I know of no interference with any person peddling tickets.

tickets,
Cross examined—Have been mayor since last Jasuary. Am a democrat and supported Mr. Boyd in the last election. Think the chief of police is a republican. I did not appoint him. He is appointed by the board and holds office during good behavior. There is usually more trouble in the Third ward because the greater part of the houses of ill-fame are there, and the inmates are liable to make trouble at the polis.

A wrangle ensued over the introduction of a portion of the mayor's testimony. The

A wrangle ensued over the introduction of a portion of the mayor's testimony. The question came up regarding beresay evidence. Mr. Offut objected to the introduction of certain testimony. The objection was sustained by Notary Cobb and overruled by Notary Day. Under this ruling the evidence went in, and an exception was noted.

The mayor told of a report made to him by a certain man that he had been assaulted, but no proof could be found to substantiate the charges. If it was proven that there were outrages committed at the polls in thirty of the fortyone polling precincts the mayor thought it

one polling precincts the mayor thought it would change his mind as to having been the most peaceable election he had ever seen. It had not been reported to the mayor that peo-ple were egged at the polls, but he had heard it as street talk.

It as street talk.

Mr. Chris Hartman of the board of fire and police commissioners was next sworn.—Have resided in Nebraska thirty-four years with the exception of absence in the union army during the war. Was appointed to my official position by the governor. Was at the Farnam street precinct of the Ninth ward both forenoon and afternoon. I noticed nothing but perfect paymony and noticed nothing but perfect narmony and peace and considered it the most peaceable election I ever saw there. I visited several polling places. I think I visited half of the forty-one precincts. My object was to see if there was any trouble, and if the officers were doing their duty. The only place where I saw any disturbance was in the Third district of the Everth ward. trict of the Fourth ward. A man was drunk and used profane language. I told the officer to arrest him if he didn't keep quiet, and after the officer notified him he made no further

disturbance. The man was peddling demo-cratic tickets. Did not see any obstruction. We took extra precaution and expected trouble because of articles that appeared in the Bumble Bee. Two policemen were detailed for each polling place and three where trouble was anticipated. Both patrol wagous were held in readiness to send reinforce-ments to any point where they might be needed. Rumors circulated on the street ments to any point where they finght be beeded. Rumors circulated on the street prompted us to take these precautions. The Call was one of the papers circulated. I was given a copy by a newsboy who pushed it under my arm and did not ask me to pay for it. These reports thus circulated were regarded by our best citizens and the police board as a standerous libet on the city, and were intended to stir up strife. It was generally understood that Mr. Strickler, one of the attorneys for the contestant, was instrumental in circulating these sheets and spreading these libeis. Mr. Powers seemed to be sadly in the minority. He was lest sight of in some of the precincts, and seemed to be very short of friends. The present chief of police was appointed under the administration of Mayor Broatch, who was a republican; at least, he was elected on the republican ticket. I understood Mr. Boyd to be an anti-prohibitionist.

Cross-examined—I sm a democrat and supported Mr. Boyd. Don't know the politics of the chief of police, but think he is a republicant to the property of the chief of police, but think he is a republicant to the property of the chief of police, but think he is a republicant to the property of the chief of police, but think he is a republicant to the property of the chief of police, but think he is a republicant to the property of the chief of police, but think he is a republicant to the property of the chief of police, but think he is a republicant that the police of the property of the proper of the chief of police, but think he is a repub-lican. Don't know the politics of the police-men of the city, as that is something that the board does not consider. Was not informed that tickets had been form places I visited than the election that took place this month Did not hear of any egg throwing, but one of the policemen told methat he heard that at one of the polling places eggs were dropped in the overcoat pocket of some one and the crowd then squeezed against him and smashed them. That was all I ever heard of it. Have heard nothing to indicate that any of the policemen failed to obey orders to protect all citizens alike. One policeman was reprimanded by the board for arresting a man who was a little fresh about the polling window. The man was a democrat and a lawyer. I would make allowance in believing the sworn testimony of man who would an a distance of

testimony of men who would go a distance of sixty miles to give their testimony before strangers rather than face men with whom they are acquainted at home, and I would call them cowards. Sheriff Boyd sworn-Have resided in Omaha twenty-five years. Am not related to the contestee, James E. Boyd. Have been sheriff of Douglas county since last January. Voted at the November election. Heard of no one being molested, and I visited nearly all of the precincts. In the afternoon I went with the mayor. Saw no disturbance of any kind in any of 'he wards. Saw but one drunken man, and he was near the bridge on Douglas street. The election was the quietest one I ever saw, although it was the largest vote ever polled in the county. Think the cause of it was the great anxiety to defeat prohibition. Heard people say on the street that Powers was a prohibi-tionist, and also that he was opposed to pro-

Cross-examined: Am a democrat, instructed my deputies to arrest anyone creating a disturbance. Saw several of the
deputies at the polis during the afternoon, but none of them reported
that anyone was assaulted or stoned.
There was no report that any tickets were
violently taken. Did not hear that either the
police or my deputies had refused to give
protection when so requested. Up to the
present time have only heard of one prohibiprotection when so requested. Up to the present time have only heard of one prohibi-tionist who said he had eggs thrown at him, but did not know who threw them. Couldn't say that Boyd was especially the favorito candidate of those opposed to the amendment. Don't know that Boyd's candidacy was connected with the defeat of prohibitions.

Judge Lytle sworn-Have lived in Omaha Judge Lytle sworn—Have lived in Omaha twenty-five years. Am engaged in the practice of law. Was a candidate for the legislature on the republican ticket at the last general election. Voted in the Third precinct of the First ward. Visited all the wards from the First to the Sixth, and returned by way of the Seventh. Saw no acts of violence at any of the polling places, and saw no one driven away from the polls. Saw prohibitionists working at the polling places peddling democratic, republican, independent and prohibition tickets, all being for the amendment. They seemed willing to give any kind of a ticket to anyone who would vote for the amendment. Saw no interference with any ticket to anyone who would vote for the amendment. Saw no interference with any of them. There were policemen at all of the polling places I visited. They were keeping an even line and I suppose they were there to preserve order. The vote was larger than ever before. An effort had been made for weeks before to get every voter to exercise the right of franchise. There was no disposition to make any verson vote any way disposition to make any person vote any way other than he chose, except that the fight seemed to be between Boyd and Powers, and the friends of each did all they could for their respective conditions.

their respective candidates.
Cross examined-Voted for Richards. Was at the polling place in my own ward about half an hour. Saw no personal violence, but it might have occurred when I was not pres-ent. Saw a republican challenge a democrat and the vote was admitted.

Allen of Madison was there for Powers and V. O. Strickler for the prohibitionists. No-tary Public Elmer E. Johnson occupied the chair. Boyd's interests in room 709, while Judge

Powers vs Boyd

John C. Wharton watched after Governor

After W. W. Cox, the witness first called was sworn, Mr. Wharton arose and offered

Many Clergymen,
Singers, actors, and public speakers use
Ayer's Cherry Pettersh. It is the favorite
remedy for hourseness and all affections of
the vocal organs, through, and lungs. As an
anodyne and expected and, the effects of

anodyne and expectionant, the effects of this preparation are promptly realized.

"Ayer's (herry Peetstai has done me great good. It is a splendid remedy for all diseases of the throat and lungs, and I have much pleasure in testifying to its merits."— (Rev.) C. N. Nichols, No. Tisbury, Mass.

"In my professioning an auctioneer, any affection of the voice of throat is a serious matter, but, at each fillack, I have been relieved by a few doses of Ayer's Cherry Peetoral. This remedy, with ordinary care, has worked such a magical effect that I have suffered very little inconvenience. I have

suffered very little inconvenience. I have also used it in my family, with very excellent results, in coughs, colds, &c."—Wm. H. Quartly, Minlaton, So. Australia. Ayer's Cherry Pectoral,

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an objection to the whole proceedings in

far as the holding of the investigation in room 700. He said he appeared there for the contestee, James E. Boyd, specially for the purpose of objecting to the taking of testi-mony in this case because that was not Pot-ter & Waring's office where the notice speci-fied such testimony must be taken; secondly that Potter & Waring's office is now 704 of the New York Life building, and not 70%; thirdly that Elmer E. Thomas, the court, had abandoned the room without the consent had abandoned the room without the consent
of his associate in the case and while
associate was taking testimony in said cause.
Mr. Cox testifled: I reside on Shaulding
street in this city; was an elector here on last
election day; lived here thirty-one years; am
a grocery man; was at the polis on November
4; went there at 5 a. m; remained there vitil nearly 12 o'clock; polls opened at 8; that
was in First district of the Sixth ward; vote
there went there to vote, second to supply
certain tickets to parties hunting them; on
these tickets was the probibitory amendment; certain tickets to parties hunting them; on these tickets was the prohibitory amendment; parties interferred with me very materially; no one undertook to take tickets away from me, tried to buildoze or pick aquarrel; the name of John H. Powers was, on these tickets; there was a crowd of thirty or forty there—some peaceable, some boisterious: I was not struck, but seemed, at times, in danger; this was because I had tickets for the amendment; one ring leader made personal threats; couldn't remember his language; there was so much het blood that I couldn't make out the words; they were threatening; the ring leader shook his fist in my face; his name was Lessentin; he had been one of the registrars; he had a personal rights league badge, as others did; Lessentights been one of the registrars; he had a personal rights lengue badge, as others did; Lessentin was the leader in the demonstrations against me; he said the tickets I had were fraudulent; he said, "Did you say that the board of registrars was not competent." I told him I wasn't there to quarrel; he then said my tickets were fraudulent; did not say how; they only differed from the other tickets by hearing the orbibitory amendment on ets by bearing the prohibitory amendment on them; I was not allowed to distribute any tickets; I did not dare approach any man-the feeling was so intense that I waited for parties to approach me and ask for tickets; then Lessentin would attack me pendent or mongrel ticket during the afterneon.

Do you use independent and mongrel as synonymous terms:

'Not in an offensive sense, but because it was made up of candidates from the different parties. I do not say that there was not such a thing as an independent party. I do not think these tickets were for distribution. A man was complaining that he did not like the ticket. As to the alliance ticket I have no distinct recollection as to seeing it voted.

Re-direct examination—I voted for James pear, but one of the clerks disappeared often; think the clerks were drunk; this man Page was very demonstrative in a sort of mandin way. He would cry out, "Here is your pro-hibition tickets," and other drunken re-marks; couldn't tell what he was doing—he seemed too much intoxicated. Other judges didn't seem to pay any attention to him; there was a special policeman there; he didn't arrest anyone; he was in the room when the threatening demonstrations were made against me; judges didn't pay any attention to what was going on; two of my personal friends came to me just before noon and ad-vised me not to ge back as I was in danger. The crowd was becoming drunker and drunker and Ithought it wouldn't be safe; one bottle pretty well emptied was offered me; I took it until I had an opportunity to drop it in the sewer; saw different parties peddling whisky about the polls; policemen ought to have seen the same if they had been there; don't think Page was competent to act as a judge or the clerk either; they were both interiories as we challengers at the polls; toxicated; saw no challengers at the polls; friends of the amendment concluded that it wasn't policy as they thought it would ag-gravate trouble; wouldn't like to have chal-lenged a Boyd vote; wouldn't have been here today if I had; saw no challengers of any party there; a man might have sneaked up and voted as he pleased, probably, but don't think a prohibitionist could have walked up and voted unmolested; he would have been bulldozed and kept from voting; didn't go back that night, didn't think it would be safe for me; the policeman was there seemingly to draw his salary; one man, however, I learned became so drunk that he was carted away, but whether this policeman did the carting I don't know; Mr. Helin and Mr. Gibson were also there distributing independent tickets; they were treated about as pendent tickets; they were treated about as I was; don't know whether any tickets were taken away from them or not; I visited the polling place near Twenty-sixth on Lake street; the crowd was rough, but saw no violence; everything seemed going for Boyd; this violence was all because I was distributing prohibition tickets; Boyd was the so-called anti-prohibition candidate; the crowd in the bulk were his partisans; at the polling called anti-prohibition candidate; the crowd in the bulk were his partisans; at the polling place on Sixteenth, near California, saw Dr. Merrill there with an amendment badge on him; I congratulated him on his courage; the crowd looked at the like wild tizers and wanted to tear me to pieces; they didn't touch me, but only fearfully insulted me; they were blaming Merrill of furthering the Bumble Bee in its anarchistical editorials. These voters all were personal rights badges; a policeman was there; he arrested no one; wouldn't have was there; he arrested no one; wouldn't have been safe to have challenged a Boyd vote there, whether he was a legal voter or not; we drove by another polling place, but were afraid to go near enough to hear what was afraid to go near enough to hear what was going on; I have always been a republican. I was terribly impressed by the tone of the daily press—especially The OMARA BEE; on the Sunday prior to the election I was startled by its horribly anarchistic editorials; I said to my family that that meant blood-shed in Omaha, and that The Bee would be reconsidered and of its Light True Bee would be shed in Omaha, and that The Ber would be responsible for all of it; I can't remember what these editorials were, but they were little bits scattered all over it; it was terrible: I think the whole tone of the paper was to incite the people, and get them up in arms against the prohibitionists on election day; little children abused us along the public streets—little children five and six and seven years of age; they would spit it out in our years of age; they would spit it out in our faces that we were prohibitionists; this was all on account of the incendiary editorials in The Ber and World-Herald.

> Mr. Cox cross-exammed—I have lived here a little over a year this last time. Election day I went to the polls about 8 o'clock. Page wasn't there yet. The polls were not open yet. Page came a little after. He was one of the judges. Saw a disturbance in the building. 'I here was no fighting. I thought Mr. Page was drunk. He looked and acted that way. Don't think he was fit to be in such a position. He talked a maudlin harangue all the time. Didn't see him leave at any time. He was there all the time I was there, about three bours. He stood there talking—he was more silly APTERNOON SESSION.

Adjourned until 2 o'clock.

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than angry—in a drunken, joking manner.
Don't remember his language, only that he said, "Here is your prohibition tickets." I have no interest or feeling in this matter. A Mr. Boyd was one of the other judges. Lessentine was not a judge. Saw nothing angry on the part of any of the judges or clerks. The boisterous conduct was in the hall, twenty feet from where they were receiving the ballots. Saw nobody try to hinder anyone from voting. I know of one citizen who did not dare go and vote for fear of lossing his position. I can't give his name. But I don't know of anyone who was positively hindered from casting his vote. At Lake street I didn't see anything out of the way. At Twenty-fourth and Cuming Father McLain was with me. We were driving. There was a good deal of loud talk there. Didn't see anyone abused or prevented from voting. We stopped on Sixteenth, between California and Cass. He was considerably worried. He didn't say anyone had molested him. There was loud and profane talking. Was there ten minutes. Was not assaulted or in any way interfered with. I told Rev. Merrill not to say anything back to the mob. He was inclined to, and I advised him to keep still and attend to his work. He stood by a policeman. No one struck at him. But one party held a paper in his face and said, "Look at that; anarchism!" Elder Merril told him to stand back. He didn't offer to strike the elder, only abused him with slang and abuse. Don't know of anyone being denied the privilege of voting there. We then drove over to a polling place in the Third ward, at Tenth and Davenport. Didn't see anything out of the way there. It was a tough ward and we didn't want to get into it. We went home from there.

Redirect objected to by Mr. Wharton. The man I spoke of who didn't vote for the home from there. Redirect objected to by Mr. Wharton. The

man I spoke of who didn't vote for the amendment because he was afraid of losing his position, was a city employe.

Mr. Wharton-Give the name of this party who was an employe of the city and afraid to vote.

Cox-I can't answer the question, because the man feels that it would cost him his position to have his name known.

Wharton—Who was he going to vote for,

for governor?

Cox—I don't know, but I know he was going to vote for the amendment. I got this from my sons, C. B. and L. W. Cox.

H. M. McGinnis testified: I resided in Mt. Pleasant addition on the 4th day of Nofor governor? vember, 1830. Was not a voter in the city of Omaha. Know J. S. Nace. He took his meals on Capitol avenue near Bennests store; he rooms on Cass between Fifteenth and Sixteenth. He told me he voted in the Sixth ward at Beal's store. He was registered there. He lived in that neighborhood about two weeks. He came here on the 11th of September from Council Blaffs. Law in the nursery hustiess. He Bluffs. I am in the nursery business. He lived in Nebraska eight years ago this fall. Don't know whether he voted at any other place that day or not. He did not live in the precinct he voted in.

Cross-examined —Saw his name on the re-gister in that precinct. I didn't see hin, regis-ter or vote there. He told me he voted there. I assisted in moving him here from Council Bluffs on the lith of September. Don't know where he is now. Don't know but what he might have been living in Nebraska during the past three years. He said he lived in Council Bluffs. He told me that he was on the chain gang in Council Bluffs

after the election. W. A. Anderson testified-Reside here W. A. Anderson testified—Reside here. Was a voter in the First ward, Third district. Am an attorney. Was at the poils to vote and to distribute tickets. I had all kinds. My efforts were in behalf of the independent ticket. The name of John H. Powers was on some of the tickets. There were about a hundred people there. Some were quiet and peaceable; some very beisterous, Some wore personal rights league badges. The effort was made to prevent me from dis-The effort was made to prevent me from dis tributing tickets; don't know by After I went there in the morning I some one make the remark, "There comes that — ——." After that certain per sons crowded about me. I held my tickets in my hand, one man grabbed hold of one end of them and tried to take them away from me, but I got away with my tickets, although they were badly torn. Powers' name was on some of the tickets thus torn. I was told that I had better not stay there, that my life was in danger. One man took me aside several times and advised me to leave for my own safety. Don't know whether any of the par-ties who interfered with me wore personal rights badges or not. One man tried to pour whisky down me and shook his fist in my face and told me I had better leave the bolls. Didn't know him. They were hestile to me because I was for the amendment. Boyd was regarded as the anti-prohibition candidate. When I left the polls six or seven men followed me. There was a young mar with me. We ran and they overtook us and threw some eggs at us. Some of the eggs struck me. I ran home, They followed me within 100 feet of my own door. T threatened me and said they would kill n I went back. I think they would have killed me if had gone back. I did not go back. I was afraid to go back. Saw no challenges at the polls. I wouldn't have cared to challenge a Boyd vote. Couldn't say what the result would have been. Was about sixty or seven rods from the polling place, when the eggs were thrown. Many things I saw there led me to believe that the election was unfair. It was free for every one, excepting the pro-hibitionists. I was there to vote for the in-dependent ticket and was driven from the Boyd was the favorite at that polling place. I think, however, that all the opposition was against the prohibitory amendmen Didn't return to the polls that night to wit-ness a count of the ballots because I didn't consider it safe. The registration room in that precinct was next to a saloon. Cross-examined-I have been an all-round

Cross-examined—I have been an all-round politician but never got an office. Ran for county attorney on the prohibition ticket three years ago. My affiliations have since been varied. On the 4th of November I was for Powers. I voted for the amendment. Don't know where Boyd lived. Know he was mayor of the city once, but didn't know he lived here. Had heard so. I was at the polls about three hours One person in particular showed me violence. I got along all right with everybody else. Never saw the party before. Don't know where he lives. Was not prevented from voting my choice for governor that day. Don't think it was safe for amendment people at the polls. was safe for amendment people at the polls. That was the cause; the governor candidates

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cut no figure. Didn't know any of the parties who followed me from the polls. Lived in the ward three or four years. Had peddled prohibition tickets there before. I wasn't prevented from voting my choice. I voted as soon as I went there. Yes, most everybody knew my politics. Don't know of any of the arrests, egg throwers, or anybody else. I spoke to the officer about the man who was annoying me. There was much loud and profane language used 1409 DOUGLAS STREET was much loud and profane language used there. The man who annoyed me at the polls was not one of those who followed me away from the polls. There was only one or two men who seemed to be unruly at the polls.

State Officers.

Adjourned.

In the matter of the contests for state officers irrespective of governor, after some delay in regard to the selection of a place for the taking of testimony, the hearing was commenced in room 720 of the New York Life building. Mr. M. G. MacLeod was selected by the

contestants as notary and D. L. Johnson officiated in the same capacity for the republican contestees. Mr. W. J. Lamb of Lincoln conducted the examinations for the independents and the contestees were represented by Charles L. Hall and Thomas Darnell of Lincoln and Hon. E. E. McGintie of Crete. Before the taking of testimony began, the

attorneys for the contestees filed the same general protests to the taking of testimony on the part of all the centestees as was done at the Lincoln session, copies of which have heretofore been printed in Tire Brg.

After the filing of the protests, Mr. Hall entered the following objection on the part of the contestees:
"The contestees one and all object to the

taking of any testimony at this time and place under the several notices of contest served upon said contestees for the reason that the constitution of the state of Nebraska in section 4 of article 5, having provided that contested elections for all state officers shall be determined by both houses of the legisla-ture in joint vote, as may be provided by law, and the legislature of the state, in chapter 26 and the legislature of the state. In changer so of section 64 of the compiled statutes of 1889, having provided the grounds upon which contests of state officers may be had, and the notices of contest served upon these several contestes not containing any of the groun is of contest stated in section said notices of contest is incompetent, irrele vant and immaterial, and said notices do not state cause of action of a contest against these several contestees." McLeod, notary for con-testants overruled the objection, and con-testees except Johnson sustained objection.

The contestants excepted. Mr. R. S. Berlin of Omaha was then called and sworn and testified that he had been a resident of Omaha for twenty-one years When asked by the attorney as to his busi ness, he replied that he was a real estate man ness, he replied that newas a real estate man and county commissioner, and general roust-about, and notary public. He had been a county commissioner for about one year, and made it a habit of being in his office at least once a day for from half an hour to all day during that time; could not tell how much time he had spent in the county clerk's office during the time from the 4th to the 10th of November; was there most of the time when the returns of the election were received, which were received in the county cleric's office at periods ranging from twenty-four to forty eight hours after the election; would not swear they were all in forty-eight hours after the election. Being requested to furnish the names of par-

ties who were present in the room when the appointments were made. Mr. Berlin stated that he could name but a few of them, but that he could name but a few of them, but that there were thirty to lifty present and he could supply the names if he had his memo-randum book. Being asked by the attorney to produce the same he stated that he would do so if an opportunity were given him, and the court took an adjournment until 20'clock at which time Mr. Berlin agreed to give a list of the parties present at that time list of the parties present at that time.

W. W. Cox, a voter of the First district of the Sixth ward, sworn—I am in the grocery business on North Twenty-foarth street.

Am a prohibitionist, but know nothing about violence being offered voters on election day. I have been a republican for thirty-six years but at the last election I peddled democratic

but at the last election I peddled democratic, republican, prohibition and independent tickets. The anti-prohibitionists have injured my business and have driven away my trade. Worked at the polls and tried to get men to vote for the amendment. Did not care who they supported for the state offices. Did not see any man prevented from casting a free ballot. Heard a man say he wished he could speak in 1,000 votes against the amendcould sneak in 1,000 votes against the amend-ment. Fold him I wished I could sneak in 1,000 on the other side. Am pretty sure there were no illegal votes cast in that pre-

cinct.
W. A. Andersen, a lawyer residing in the Third district of the First ward, called and sworn—I visited the polls at 90'clock a. m. and voted, after which I peddled amendment tickets. They were republican, democrat and independent tickets. Worked for the inand independent tickets. Worked for the independents, but got a vote wherever I could
for prohibition. A man took hold of
my tickets but did not jerk them out
of my hand. They talked to me and told me
to go home, but as I had no fears I staid
about the polis and worked. There were policemen there and they would have quelled licemen there and they would have quelled any disturbance. When I was about four hundred feet from the polls I was hit by an egg, but don't know by whom it was thrown. Did not recognize the man and can't say that he was one of the men at the polls. Saw members of the personal rights league about the polls but they did not interfere to prevent anyone from voting. Think every man had a chance to cast a free ballot, but don't think it would have been safe for a man don't think it would have been safe for a man to have said much in favor of prohibition. I got the amendment tickets from the Douglas

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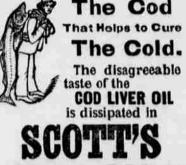
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street headquarters, and was furnished with several different kinds. The election was as quiet as those usually held in the precinct. I know this for I have been at the elections during the past three years, and have always peddled prohibition tackets. The sentiment was against prohibition but not against any of the state officers on the independent ticket