THE BRECKENRIDGE NEWS.

VOL. XVIII. | CLOVERPORT, KENTUCKY, WEDNESDAY, SEPTEMBER 27, 1893. | NO. 10.

Richardson vs. Gross.

Gross Knocks Him Out On the Third Round.

RICHARDSON STILL DISSATISFIED AND APPEALS TO THE MEADE CIRCUIT COURT.

Politicians From All Over the District Present to Hear the Contest.

PROCEEDINGS IN FULL.

The Committee of the Tenth Senatorial District met in this city last Wednesday as announced, to hear the evidence in the case of Richardson vs Gross in the contest for the nomination of Senator from this District. The Committee met promptly at the hour appointed and both parties were present, including their attorneys. Mr. F. P. Straus, of the firm of Fairleigh & Straus, of Louisville, and Mr. Chapeze Wathen, of Owensboro, represented Mr. Richardson. Judge J. A. Murray and Hon. D. R. Murray, of this city, appeared for Gen. Gross.

Never before in the history of this city has a case of such importance came before our people for trial. The array of legal talent, the number of strangers it attracted, and the general interest manifested by the public at-large is something our people are not used to, and attracted a large crowd to hear the proceedings. There were men here from every section of Meade, Hancock and Breckenridge. Grayson and Daviess counties were also represented, and our neighboring county of Perry, across the river, was present with a full quota of representatives. There were no ladies present but it was not from any lack of interest on their part, for they were as much interested as the men, and it was a very great oversight on the part of the Board that a place was not provided for them so they could have heard all that was going on. It would have releived the husbands from answering a great many questions that they could not satisfactorily answer when they got home at night.

The contest was heard in the large store-room belonging to Mr. D. Hambleton, which was kindly donated for the occasion by that gentleman. Before the hour of trial the room was crowded to its utmost capacity and every inch of space was occupied. Chairman W. K. Barnes called the meeting to order and read the following paper:

"We have met here pursuant to adjournment, as the governing authority, made so by law in this contested election. It is necessary for us to call your attention to the call of this primary election and that the three candidates, Gross, Richardson and Minor, have submitted their names to the Democratic party of this district. The law provides that the committee conduct and hold said election and announce the result, and give to the successful candidate a certificate of his election. All of this has been done, and Gen. A. J. Gross has been declared the nominee by the committee.

"The law further gives any candidate who feels he has been aggreived a right to contest the election of his opponent, and provides that in such cases the committee, or governing authority who may act by proxy, shall constitute a board for hearing and determining of said contest, and there is no provision of law for any one else to be substituted or to take the place of the committee in such cases, as in other contested elections.

"Mr. Richardson is here to-day contesting the election of Gen. Gross, and he is entitled to a fair and impartial hearing. I do not believe Mr. Richardson would have made the affidavit he did, objecting to the committee, but for the fact that he was ill advised. I do not believe the committee has been at any time prejudiced against him. It is true the result did not please him, but we did as we knew it to be our duty under the law. Our actions up to this time has met the approval of the Hon. John D. Carroll, Chairman of the State Central Committee."

Mr. Straus objected to Chairman Barnes' speech, saying he was a judge and should not be heard. Mr. Barnes replied that it was simply an announcement of the object of the meeting. A committeeman objected to Mr. Barnes' speech being taken as the sentiment of the entire committee, as he did not think Mr. Richardson had been "ill advised," in filing a contest. Mr. Barnes said it was his individual statement.

The question then came up as to the right of Judge Bush to serve on the committee as a proxy. Judge Murray conceded that only a Chairman of a County Committee could serve. After some debate, Chairman Barnes held that they were a legally constituted committee, without Mr. Sterette, and it was agreed that the members should be sworn. The case thus went to trial before Committeemen Barnes and McAuliffe. A motion of the defense to strike out sections 2 and 10 of the notice of contest was allowed on the ground that they were not sufficiently specific. The defense had filed a general and special demurrer to the contest, and Judge Murray opened the argument, taking up the notice section by section. The first ground was that the ballot was not sufficiently thick to prevent the vote being distinguished from the back. Judge Murray said before the charge could hold good it ought to allege that this alleged defect in the ballots had some effect on the general result. But they did not charge that it changed a vote, "and then shou'd the will of the people be frustrated?" asked the Judge. He said it was not a new question, or, if it was a new question, growing up with the secret ballot, he would cite authority showing that his argument was right.

Mr. Straus contended that there could be no election in the State unless it was by official ballot, which could not be the case when the ballots were thin enough to see through, and an election was a nullity from beginning to end where the requirements were not complied with.

Mr. Wathen followed for the plaintiff. He said that the will of the people would indeed be defeated by trampling under foot the Constitution of the people if a ballot that should legally be secret was allowed to stand when it was really not secret. He claimed that the intention of the voter did not enter into the question, and cited the law on the point. He said that he did not charge the election officers with taking advantage of the thin ballots to commit fraud. But he contended that it would defeat the fundamental organic law of Kentucky to let such a ballot pass. He spoke for an hour, and closed by telling the committee that the eyes of not only the people of the Tenth district but of the whole State were upon them.

Mr. David R. Murray then began to speak for the defense. "I, too, say that the eyes of the people of this State are upon you," he said, "but to this effect: They want to know whether the will of the people as has been expressed shall prevail or shall it be thwarted by you. They do not claim that any votes were influenced. Can there be such a disinterested motive behind this contest that their only object is to uphold the Constitution, as they claim? Who will believe such to be the case? I want to call your attention to the fact that the secrecy of the ballot is not for the benefit of any candidate, but for the voter, and why don't they prove that the voters were deprived of their franchise? No, the voters are satisfied, but Candidate Gus Richardson is the one who comes before you, and even he does not say, 'I would have been the nominee if the ballots had been thicker.' No, he wants to put the district just where it was before the primary was held." It was nearly 5 o'clock when Mr. Murray had finished his speech. Mr. Straus was allowed to speak again, and the argument was closed by Mr. Murray and Judge Murray.

Following are the minutes of the meeting:

The Democratic Committee for the Tenth Senatorial District met at Cloverport, Wednesday, September 20th, 1893, for the purpose of hearing and determining the contest between A. J. Gross and Gus W. Richardson, arising out of the recent primary election. Present, W. K. Barnes, Chairman and member from Breckenridge; F. J. McAuliffe, member from Meade; Clarence G. Sterret, the member from Hancock, being unable to be present on account of sickness, gave to Judge R. Y. Bush, of Hancock, privilege to represent him.

Judge Barnes made a statement defending the actions of himself and Mr. Sterret at the Hardinsburg meeting.

Judge Barnes read to the assembly Mr Sterrett's written proxy. The Committee decided that Judge Bush should not be allowed to sit.

The counsel for the contestee moved that sections two and ten of Mr Richardson's notice of contest be stricken out for uncertainty. The motion to strike out sections two and ten was sustained, to which counsel for contestant objected and excepted.

The counsel then proceeded to argue the general and special demurrer filed at Hardinsburg, September 11th, 1893. After the argument had been heard the Committee adjourned for deliberation, to meet again at nine o'clock Thursday morning.

By request of counsel of contestant the statement read by Chairman Barnes and the proxy offered and the letter accompanying the said proxy were filed and made part of the record.

The contestants objected to Judge Bush's serving as proxy for Mr. Sterrett, and the Committee agreed that the objection ought to be sustained.

F. J. McAuliffe, Acting Secretary. W. K. Barnes, Chairman.

THURSDAY'S SESSION.

Pursuant to agreement before adjournment, the Committee met at 9 o'clock. The presence of Clarence G. Sterrett, the member from Hancock, was noted by Chairman Barnes. After being sworn Mr. Sterrett took his seat with the Committee.

Counsel for contestant objected to Mr. Sterret's sitting upon the Board during the hearing of the demurrer before mentioned. The objection was over-ruled to which contestant excepted.

After consulting authorities, and sufficient deliberation, the Committee decided to sustain the general and special demurrer, F. J. McAuliffe dissenting except as to section seven. The majority Committee delivered their opinion in writing and the member from Meade read his opinion dissenting.

The contestant filed, without objection on part of contestee, an amendment to his notice. The contestee announced ready to try upon the evidence upon said amendment, denying the allegations thereof. Thereupon the contestant declined to enter upon a trial and introduce evidence, on the ground that the opinion of the majority of the Committee rendered upon the demurrer to the original grounds would reach to and apply to the amendments objectionable and a trial upon the same useless.

The Committee, McAuliffe dissenting, then rendered its final judgment in writing, a copy of which was delivered to the contestant and contestee.

The contestant requested and contended that a copy of the decision, and the original papers in the contest be filed with the Clerk of the Meade Circuit Court. This was denied, but the Secretary consented to furnish contestant a copy of the record.

The Committee then adjourned *sine die*.

W. K. Barnes,
Chairman, and Committeeman of the County of Breckenridge and Member of Contesting Board.

Clarence G. Sterrett,
Secretary, and Committeeman from the County of Hancock and Member of Contesting Board.

F. J. McAuliffe,
Committeeman from the County of Meade and Member of Contesting Board.

MAJORITY OPINION.

Gus W. Richardson, vs A. J. Gross. } Majority Report on Democracy.

It is the opinion of the contesting board, Mr. F. J. McAuliffe, disenting except as to the seven ground of contest, that the grounds of contest as contained in the notice only charges violations of the directory provisions of the statute and the contestant failing to charge that by reason, and as a result of the irregularities changed the result of the election was obtained by the contestee and that its result would have been otherwise had there been none of the irregularities charged, and failing to allege that the popular will has not been expressed or subverted or that voters had been deprived of their franchise or choice. It is the opinion of the board that the demurres, both general and special, should be and they are hereby sustained.

Mr. McAuliffe concurs in the opinion and judgment as to the seventh ground of contest and holds the contrary view as to all the other grounds which is given in a dissenting opinion. The contestant is permitted to so amend his charges as to conform to the requirements of the law as we regard it.

W. K. Barnes,
Chairman and Committeeman of the County of Breckenridge and member of the contesting board.

Clarence Strrett,
Secretary and Committeeman from the County of Hancock and member of the contesting board.

DISSENTING OPINION OF F. J. MCAULIFFE.

For the purposes of the demurrer it is confessed by the contestee that, in the primary election held in the Tenth Senatorial district of Kentucky on the 2d day of September, 1893, for the purpose of nominating a Democratic candidate for State Senator, the voting was not by such ballots as section 17 of article 3 of the Kentucky election law requires and that consequently the said primay election was not by "secret official ballot." The constitution and the statue of the state provide that such elections shall be by "secret official ballot." This provision of the Constitution and those provisions of the statue, which carry it into effect, are mandatory. Secrecy is the vital principle of our present election laws and this committee should not in my opinion violate the mandatory provisions above mentioned; because such action would be to the convenience of the voters who participated in the aforesaid primary. It is in my opinion the duty of the committee to order another election and have it held by "secret official ballot," and in other respect as provided by law. This course will not disfranchise any voter. It would cause some little inconvenience and trouble, but the committee should not for this reason place such a construction upon the statue as will violate the spirit of the Constitution and the statue and become a precedent to encourage the practice of corruption, bribery and intimidation, which both the statute and the constitutional provision were designed to prevent and abolish. Therefore, with all due respect to my learned colleagues, I am compelled and to state my honest belief, that this election should be set aside and another election ordered by the governing authority, and held by "secret official ballot," and in all other respects as provided by law.

F. J. McAuliffe,
Member from Meade.

AMENDED NOTICE

In matter of Gus. W. Richardson, contestant, vs A. J. Gross, contestee.

Now comes contestant Gus W. Richardson amends the first ground of his notice of contest herein and says the ballots used in said election were so thin that when stamped and folded as by law required, the officers holding said election or any other person who may have been present when the voter cast his ballot, could see and know, and did see and know for whom the voter cast his vote.

F. P. Straus,
Chapeze Wathen,
For contestant Richardson.

FINAL JUDGMENT OF THE BOARD OF CONTEST.

The contestant failing to amend further, or to introduce evidence on the amendment offered and filed, counsel for contestant deeming said amendment objectionable and subject to the demurrer to the original ground, to which it is an amendment, it is adjudged by the Board of Contest, McAuliffe dissenting, that the contest herein be dismissed and that the certificate of nomination delivered to A. J. Gross by the Canvassing Board, as nominee of the Democratic party of the Tenth Senatorial District for the office of State Senator is valid, to all of which the contestant objects and excepts.

Therepon, the contestant prayed an appeal to the Meade Circuit Court, to which the contestee objects, which appeal is granted, to which the contestee objects and excepts.

W. K. Barnes,
Chairman, and Committeeman of the County of Breckenridge and Member of Contesting Board.

Clarence Sterrett,
Secretary, and Committeeman from the County of Hancock and Member of Contesting Board.

Official Vote Tenth Senatorial Primary Election Sept. 1893.

BRECKENRIDGE COUNTY.

	Gross	Richardson	Minor
Hardinsburg Dis. No. 1	108	22	2
" " 2	42	14	1
" " 3	65	9	2
Cloverport Dis. No. 1	62	10	3
" " 2	86	14	1
" " 3	151	33	3
Bewleyville	38	47	0
Stephensport	35	27	13
Union Star	60	39	2
Custer	86	31	0
Webster	85	27	8
Hudson	28	11	1
Mooleyville	53	17	1
Rock Vale	81	30	1
McDaniels	71	32	1
	1051	363	39

MEADE COUNTY.

	Gross	Richardson	Minor
Big Springs	18	84	2
Woodland	23	76	8
Cedar Branch	11	23	1
Concordia	22	90	0
Payneville	10	107	0
Ashcraft's	8	73	0
Court House	9	136	1
Guston	14	183	1
Wolf Creek	4	71	0
Garnettsville	39	88	3
	15[illegible]	931	16

HANCOCK COUNTY.

	Gross	Richardson	Minor
Patesville	17	2	1
Victoria	33	5	0
Lewisport	60	8	0
Pellville	19	9	1
Utility	35	9	0
Indian Creek	32	16	1
Yellow Creek	69	50	2
Hawesville	75	59	3
[illegible]	[illegible]	[illegible]	[illegible]
	[illegible]	[illegible]	[illegible]

TOTAL VOTE.

	Gross	Richardson	Minor
Meade	158	931	16
Hancock	356	163	9
Breckenridge	1051	363	39
	1568	1457	64

Gross' total vote in District ... 1568
Richardson's total vote in District ... 1457
Gross' majority ... 111

TRIUMPH.

DEDICATED.

I will give my life to sorrow,
I said with bitter tears,
For I've wandered sad lonely,
Far many weary years;
Far from the happy valley
Of faith, hope and love,
O'er rough and thorny places,
My trembling footsteps rove.

The hearts I loved so fondly,
Are silent now and chill.
How can I in submission
Bow, to His holy will?
The voice of love and friendship
But seldom greets me now;
The sunlight of affection
Beams now upon my brow.

So dark distrust was stealing,
Like a wolf into the fold;
And from the sepulchre of gloom,
The stone aside was rolled.
For an angel in darkness
Stood near, with folded wings,
And whispered to my spirit,
Of high and holy things.

Then I raised my eyes to heaven,
And said with joy and faith;
"I will follow in His footsteps,
Who triumphed over death."
And the star that led the shepherds
To the infant Saviour's shrine,
Shed 'o'er my lonley pathway,
I'ts rays of truth divine.

Stephensport, Aug. 21. Linda Lane.

Mrs. R. C. Rhea,

of Milford, Neb., says she suffered greatly from a complication of diseases of female weakness and liver and kidney troubles Her health was fully restored by using Dr. Hale's Household Tea, the most pleasant and most effective medicine known. 25c. and 50c. per package at Short & Haynes' drug store.

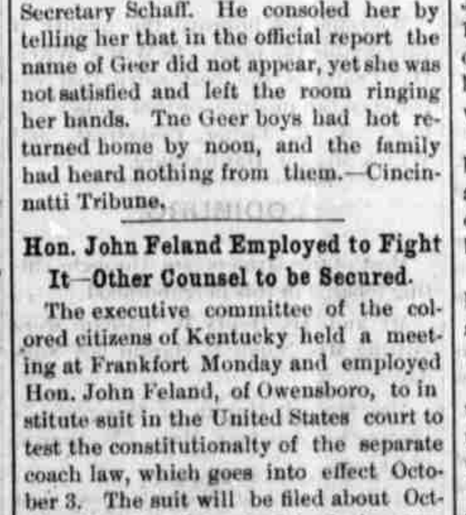
A Woman's Strange Dream.

Some people do not believe in dreams, and think them only the result of bad digestion or a cintinuation of waking thoughts, but if they had been in President Ingalls' office yesterday morning and heard the story told to Secretary Schaff by a woman who gave her name as Mrs. Geer, they would no doubt have been convinced that there is something in a dream. Mrs. Geer lives in the northern part of the city with her husband and two sons, one of them thirteen years old, and the other a young man, while she has an older son living in New York. The New York boy is employed in a mercantile house, and when he was granted a two weeks' vacation some time ago he came home, and with his brothers went to the World's Fair. They wrote their mother from Chicago that they would leave Monday night over the Big Four and arrive in Cincinnati Tuesday morning. Monday night, as Mrs. Geer's story of her dream commenced, the people living in the house with them were awakened by a series of terrible screams, which came from the rooms occupied by the Geers. Going down to see what was the matter they found the old lady in a frenzy of excitement. Then she told of the dream. She said she dreamed of a terrible wreck. Two trains had collided and the debris, piled up in all directions, had taken fire from the engine. Calling her husband she found herself suddenly transplanted to the scene of the disaster, and began to look for the victims. Lying with faces turned to the sky and pinned down by heavy timbers were the bodies of her two boys, burning to a crisp. Then she gave a shriek the neighbors heard. They quieted her and put her back to bed. But the mother, thinking only of her sons, could not sleep.

When the morning Tribune arrived the first article that attracted her was the Big Four wreck, then she felt sure her dream had been true. She could not find the names of her boys among the list of dead or injured, but felt sure they must have been killed. She hastened to the headquarters of the road and told her story to Secretary Schaff. He consoled her by telling her that in the official report the name of Geer did not appear, yet she was not satisfied and left the room ringing her hands. The Geer boys had hot returned home by noon, and the family had heard nothing from them.—Cincinnati Tribune.

Hon. John Feland Employed to Fight It—Other Counsel to be Secured.

The executive committee of the colored citizens of Kentucky held a meeting at Frankfort Monday and employed Hon. John Feland, of Owensboro, to institute suit in the United States court to test the constitutionalty of the separate coach law, which goes into effect October 3. The suit will be filed about October 10. Mr. Feland advised the committee to employ other counsel in the state as well as out of the state. The names of ex-Governor Proctor Knott, ex Gov. Hoadley, of Ohio, and Col. Robt. Ingersoll have been mentioned in this connection, but no action has been taken toward employing them



Things are different.

Chili could just *jump* on a little, unarmed band of American sailors, on shore to avoid scurvy, and "astonish" them with her military prowess. But when it came to the American nation, the [illegible]

[illegible] GOOD DEAL. The same is true of Dr. Fenner's Kidney and Backache Cure. It means everything, when it is known and used by those who are in need. If you are bowed down with kidney disease, female weakness, or blood impurities, together with their results of backache, haggard looks, skin eruptions, scrofula, dyspepsia, constipation, the blues, weariness, headaches, erysipelas, salt rheum, or any kindred affection, as well as heart disease, rheumatism, dropsy, etc., its use means a restoration to health, an elastic step, florid cheeks, strength and happiness. In short it means being "on deck" again. If you are in need take a bottle home to-day. If satisfaction not given money refunded.

Your correspondent spent a pleasant ... ten miles this side of Irvington. The child [illegible]

City and County Press.

The hope for journalistic independence and a free press has departed from metropolitan offices. It rests now with the country newspaper.

The city newspaper is a marvel even to the initiated. Its enormous facilities for getting news, its immense presses swifter than the weaver's swiftest shuttle its cheapness, its circulation, combine to make the great daily wonderful. But its growth has been so rapid and so large that the city newspaper has not yet become accustomed to it surroundings. It is a product of modern civilization for which civilization has not yet found gauge or governor. It is irresponsible and dangerously free. To it the liberty of the press becomes a fatal license too often and instead of an educator, the city newspaper goes out a guttersnipe or the purveyor of literary sewerage.

The city newspaper is owned by a corporation which has neither soul nor conscience. It is run simply to increase the dividends of the stockholders. With it the counting-room is supreme. Its editors are hired to write this or that as this or that may sell the paper. Its reporters are to bring to its columns the news, good or bad, that is convertible into cash. It is very difficult for a city newspaper to be in touch with the best interests of its constituents. Even when it honestly seeks to do so—and we know dailies that attempt this—its editors find it practically impossible to rise above their environment. Their opinions are moulded by the city men with whom they associate. Their editorals smack of the commercial exchanges, the hotel lobbies and the down-town street cars. They fail to remember that the metropolis is after all only a small part of this great country. They can not or do not rise to the height of offending the few they meet daily and whose good opinions they need to hold their places in order to serve the masses they never see. We do not criticise them; we only note the fact.

With the country newspaper the environment is different. Its owners and editors are in daily contact with the representatives of the great masses. They know the needs and wants of the people. No collar is about their neck. They are not compelled to write what they do not believe nor to print what no family circle should not read. They can be independent, honest, decent, fearless. Indeed they must be all these to secure the respect of their readers and retain their support. The student who wishes to know the needs of the people should read always the country weekly in preference to the city press. To this source also must the reformer and statesman come for encouragement and moral support—Columbia, (Mo.) Herald.

Why Don't You

Use Parks' Tea for headache, constipation and "that tired feeling." It purifies the blood, beautifies the complexion, acts upon the sluggish liver and moves the bowels every day. Only herbs and plants safe, sure and pleasant. A. R. Fisher, Druggist.

In Memorian.

Worshipful Master, Wardens and Brethren of Bewleyville Lodge No. 228.

Your Committee appointed to draft suitable resolutions respecting the death of brother W. Lee Jordan, submit the following

Whereas, our brother in Masonry and Junior Warden, W. Lee Jordan, on the 10th day of September 1893, at the age of forty years, passed from his earthly labors to that undiscovered country from whose bourn no traveler returns.

Brother Jordan was admitted to membership in our Lodge March 15th, 1879, as a M. M., and from that time 'till his death he lived with us a consitent member.

Resolved, That by his death this lodge looses a true brother, the State an honorable upright citizen and the fraternity a worthy member.

Resolved, That we bow submissively to the destiny that awaits us all, "Dust thou art and unto dust shalt thou return."

Resolved, That we extend our earnest sympathy to the bereaved aged parents and family of our deceased brother.

That we wear the usual badge of mourning for the space of thirty days, and that a copy of these resolutions be sent to the Breckenridge News, and also to be spread on the minutes.

W. J. Piggott,
M. Dowell,
J. M. Walker, } Com.

MOST IN QUANTITY. BEST IN QUALITY.

WORMS!
WHITE'S CREAM VERMIFUGE
FOR 20 YEARS
Has led all Worm Remedies.
EVERY BOTTLE GUARANTEED.
SOLD EVERY[illegible]

The Antioch [illegible] closed with quite a number of conve[illegible] and sanctifica[illegible] the best meeting [illegible] Of course, some [illegible]

[illegible] TEA IMPORT[illegible]

SULZER'S.

If "C. C. C. Certain Chill Cure" is not the best remedy you have ever used for Chills and Fever your money will be refunded. Pleasant to take. Price 50 cts.

THE GRAND OPENING OF

THE NEW LEVY'S,

LOUISVILLE'S GREATEST CLOTHING, FURNISHINGS, HAT AND SHOE HOUSE,

Takes Place,

ON THURSDAY, FRIDAY AND SATURDAY,

September 28, 29 & 30.

YOU ARE INVITED.

MUSIC, FLOWERS, SOUVENIRS.

MAKE A SPECIAL TRIP TO LOUISVILLE TO ATTEND.

OLD CORNER, THIRD AND MARKET.

Shoes

Little Shoes, Big Shoes, Good Shoes.

There are little Shoes of
Big quality and Big Shoes
Of little quality.
There are shoes which it is a
Pleasure to buy, a pleasure
To look at and a pleasure
To wear. There are shoes
Which it's a mistake to buy.
An exasperation to look at
And a torture to wear.
Be good to your feet.
They are the weight carriers,
And they're entitled to the
Best your pocket-book
Can give.

We Sell

Little Shoes, Big Shoes, Good Shoes.

W. H. Bowmer & Son,

OLD RELIABLE MERCHANTS.

Cloverport, Ky.

Job Printing

Pamphlets, Bill Heads, Letter Heads, Checks, Note Heads, Statements.

Finished at this office in the latest style.