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## THE PROSECUTING ATTORNEYSHIP CONTEST.

A. W. Lafferty this week gave to the TRIBUNE the following statement in regard to the pending contest between himself and Mr. Cook:

"My principal object in commencing the contest was to get a re-count of the ballots and the matter may stop there. There is no provision of law for a re-count without a contest. The re-count, which is now made possible, ought to take place within a month or such a matter. It will take the County Clerk only about three days to make the re-count, as only the ballots for Prosecuting Attorney will be re-counted. The law provides that this re-count shall be made by the county clerk behind closed doors with only the parties interested and their attorneys present. The 'official count' which is always made by the county clerk immediately after an election, is not a re-count, but is simply the adding together of the totals certified to him from the various election precincts. The ballots are never re-counted after being sealed up at the various precincts except in case of contest. Should the re-count give Mr. Cook anything like a decisive majority I will cheerfully dismiss the contest on the completion of the re-count. And should the re-count give me a decisive majority, it will also practically settle the matter.

It is true that I have alleged in my notice of contest that certain persons not legally entitled to vote at the late election voted for Mr. Cook, and within twenty days from the date of my notice, the time prescribed by law for that purpose, no doubt Mr. Cook will serve notice on me alleging that certain persons voted for me not being legally entitled to vote.

To what extent these allegations might be established by proof on either side, can not be definitely told at this time. But as suggested above, the re-count may show such a majority one way or the other as to eliminate the issue of illegal voters. To try the case upon the issue that illegal votes were cast, would involve considerable cost, and would require the testimony of quite a number of witnesses. The cost and trouble, however, of a re-count is comparatively slight, and inasmuch as the result, according to the official returns, was very close, there being a difference of only four votes, and in view of the fact that re-counts in other instances have shown marked variances from the official returns, I think that a re-count is justified. I would not for a moment be considered as appealing from the verdict of the people, nor do I claim that the Judges of election knowingly counted a single vote improperly, or that they knowingly permitted anyone to vote not legally entitled to do so, or that they knowingly refused anyone the right to vote who had a legal right to vote. But it is undoubtedly true that the best election officers are liable to make a mistake in making the count of the ballots on election day. The cases cited below which were carried to the Supreme court of the state tend to show that this is true.

The case of Sone vs Williams 130 Mo. 330 appealed to the supreme court from Cole county, shows this state of facts: In 1894 Sone and Williams were opposing candidates for the office of Sheriff of Cole county. The official count gave Williams 13 majority. Sone contested and the re-count gave Sone 35 majority. The total number of votes cast in Cole county that year for the two candidates mentioned were less than the total number of votes cast for Prosecuting Attorney in this county this year. In the case of Nash vs Craig 134 Mo. 347, appealed to the supreme court from Buchanan county, these facts appear: Nash and Craig were opposing candidates for the office of county clerk of Buchanan county in 1894. The official count gave Craig a majority of one vote. Nash contested. The re-count gave Nash

75 majority, and the re-count was sustained upon the trial of the case to the extent of giving Nash 68 majority. The total number of votes cast in Buchanan county that year however, for the two candidates mentioned for county clerk, was nearly 12,000. In the case of Lankford vs Gerhart, 130 Mo. 621, which arose in Davis county in 1894 over the office of Sheriff, the circuit court decided that the opposing candidates each received 1822 legal votes. Both sides appealed. The supreme court held that one of the votes counted by the circuit court for contestant was illegal, and reversed the case with instructions to enter up judgment for contestant.

While I do not think it probable that a re-count of the ballots cast for Mr. Cook and myself will show as great a variance from the official returns as was shown in the two cases first above cited, which seem to have been exceptional cases, still if any mistakes were made by the election officers either in Mr. Cook's favor or in my favor, no one can be wronged by their correction. If Mr. Cook was duly elected I certainly want him to have the office, and in making the re-count I would not take advantage of any technicality, if I could, to deprive Mr. Cook of a single vote. If mistakes were made in my favor the re-count will result in increasing Mr. Cook's majority, and if mistakes were made in Mr. Cook's favor to any considerable extent, the re-count will result in giving me a majority."

## WASHINGTON LETTER.

From Our Regular Correspondent.

It was an extraordinary event for Congress to adjourn immediately after assembling on the first day of the session, but the cause was also extraordinary. In the death within a few months of Senator Davis of Minnesota, and Senator Greer of Iowa, Congress and the country met with an extraordinary loss, and it was fitting that Congress, representing the country, should take advantage of the first opportunity to publicly honor their memory.

Senator Platt, of New York, said of the probable legislation of the session: "I think the ship subsidy bill, the army reorganization bill, the war revenue reduction measure, and the Isthmian canal bill will all pass. Personally, I favor the Nicaragua canal bill. I consider the Nicaragua route the only practical one, and I believe it will be adopted." One of the obstacles in the way of Nicaragua canal legislation, was removed when Secretary Hay and the Nicaragua Minister signed a treaty for their respective governments, which concedes to the United States all necessary rights and privileges for the construction of the Nicaragua canal, and negotiations for a similar treaty with Costa Rica are now under way.

Senator Elkins thus briefed his ideas of what he hoped congress would do: "The first bill I want to see passed is the Isthmian canal bill. I want to see the canal built by American capital and controlled by the United States. I am not in favor of any treaty that will obstruct its passage. The canal is necessary for our protection. Congress, I believe, will pass the ship subsidy bill. The country needs more ships, and I understand that it has been impossible for American shippers to secure vessels to carry abroad the goods actually engaged to 'fill orders.'"

Representative Dick of Ohio, said of the future of the republican party: "The republican party has but to follow a conservative, steady, business-like course, and it will remain in power for years. What the people want, I believe, is to see the material welfare of the country advanced on safe lines, and I think the policy of the republican party will keep that in view. I do not think more partisan politics will enter into the policy, but that the efforts of the party will be directed toward the material improvement of the country in a way to benefit the whole people, and that we shall have support, not alone from republicans, but from democrats. I have noticed since the election that the campaign has left little bitterness. General good feeling seems to prevail to a degree unusual after a vigorously conducted campaign.

## JOS. W. McCLURG DEAD.

Passing of the Latest Republican Governor of Missouri.

Lebanon, Mo., Dec. 2.—Ex-Gov. McClurg, the latest Republican Governor of Missouri, who has been confined to the house and to his bed for several months, died at the residence of his son-in-law, C. C. Draper, to-day, at about 12 o'clock, aged 83 years. In his death the state lost an estimable citizen; one whom all, regardless of politics or creed, were delighted to honor in his life-time, and now in his death they all mingle their tears with his sorrowing relatives and friends. The church of which he was a member has lost one of its strongest devotees and most faithful adherents and the community a man loved and revered by all. He leaves three sons and three daughters. His wife died in 1891.

Joseph W. McClurg was a native of St. Louis County, Mo., was born February 22, 1818, and was the son of Joseph and Mary Brotherton McClurg, and grandson of Joseph McClurg, who came to America during the Irish rebellion of 1798. He came over, concealed in the bottom of a vessel, and his family followed shortly afterward. He located at Pittsburg, built the first iron foundry in that city, and near Pittsburg spent the remainder of his life. He owned a farm near this city, and ran a foundry there for many years. His sons continued the business after he had retired. The father of ex-governor McClurg was born in Northern Ireland and came to America when 12 years old. He was also a foundryman, as were his brothers, Alexander and Wm., and they ran the business there for a number of years. He died in Ohio while yet engaged in the iron business. The mother died in St. Louis. They were the parents of but two children, James B. deceased, and J. W. McClurg. The last named was reared in Pennsylvania, whither he had been taken at the age of 7 years, but received the principal part of his education in Ohio, where he remained until about 19 years of age. He then returned to Missouri and made his home with his Uncle James and Marshall Brotherton, both of whom filled the office of Sheriff of St. Louis county. J. W. McClurg served as deputy sheriff under both of them for about two years.

In the spring of 1839 he went to Texas and remained there about two years, and was admitted to the practice of law at Columbus, Texas. In 1841 he was married in Washington county to Miss Mary C. Johnson, a native of Virginia, and this union resulted in the birth of eight children, six of whom are now living, Mary E. wife of Col. M. W. Johnson, now of Lebanon; Fannie, wife of C. C. Draper of Lebanon; Joseph E., a farmer in Leaclede county; Sarah, wife of Thomas Monroe residing in Lebanon; Dr. James, a dentist of Lebanon; and Marshall J., also a dentist, at Carthage, Mo.

After marriage Mr. McClurg turned attention to merchandising, which he carried on at Hazlewood and Lin Creek, Mo., until the breaking out of the civil war, when in 1861, he enlisted in the Home Guards and was chosen Colonel of his regiment, and in 1862 he became Colonel of the 8th Cavalry, Missouri State Militia. He was in active service until after his election to Congress, which was in 1862, from the Fifth district. He then resigned his position in the army to take a seat in Congress, and was re-elected in 1864 and 1866.

Before the expiration of his last term of office he was elected by the republicans of Missouri as Governor of the state, and served one term of two years. He then turned his attention to merchandising, lead-mining and steam-boating, which he carried on at Lin Creek, Mo., until 1885, at which time he came to Lebanon, and has since been a resident of this city, except during President Harrison's administration, when he

was receiver of the United States Land Office at Springfield. He has been a very prominent man of the State of Missouri, and was always a republican. He took much interest in the election of 1900, and desired to cast his ballot for Wm. McKinley, but was unable to go to the polls. He was a member of the G. A. R. He and his wife were formerly members of the Presbyterian church, but he has been a member of the Methodist Episcopal church for several years. They were the grand-parents of twenty-six children, twenty-four of whom are now living.

## Joseph P. Herrington Dead.

Joseph P. Herrington, member elect of the State Board of Railroad and Warehouse Commissioners, died Saturday morning at 1:02 o'clock at the home of T. A. Morgan, 3233 Pine St., where he has been lying ill. The attending physician yesterday informed the members of Mr. Herrington's family that there was no possibility of his recovery and that he could not live more than a few hours. He was unconscious most of the day. He rallied a little in the early evening, but was so weak that he could not speak, and gave but faint signs of consciousness. Mrs. Herrington, Mrs. McSweeney, of Moberly, a sister of Mr. Herrington; Mr. Art Hawkins, of Sedalia, a nephew, and Mr. A. Herrington, a cousin from Sedalia, were at the bedside of the sick man, hoping against hope until the very end, when life flickered quietly out.

The funeral will be held at Sedalia Sunday under the direction of the lodge of Elks of that city. The remains will be escorted to the train this evening by the St. Louis lodge of Elks, and a committee will accompany them, with the members of the family to Sedalia, where the funeral will be held from the home of Mr. A. Herrington, a cousin of the dead man.

Joseph P. Herrington was born in Loudon, Canada, about forty-six years ago. While quite young his parents removed to Missouri, settling in Sedalia. He was left an orphan early and went to live with an older sister, Mrs. McSweeney, the wife of a conductor on the Wabash railroad, at Moberly, Mo. When young Herrington grew up he took to railroad work, and about 18 years ago was promoted to the position of a conductor on the Missouri, Kansas and Texas railroad, which position he held until a few weeks before the last election, when he resigned to enter the campaign as a candidate for member of the Board of Railroad and Warehouse Commissioners on the Democratic ticket. Four years ago he sought the nomination for the same position but was not successful. He was an intimate friend of Joseph Flory, candidate for Governor on the Republican ticket.

Mr. Flory sent a large and elegant floral wreath to be placed on the coffin of his friend and the man who would have succeeded Mr. Flory to the office of Railroad Commissioner. It has been suggested that Mr. Flory will have to hold the office two years longer, as Mr. Herrington had not qualified, and hence his death creates no vacancy to be filled by the Governor. Mr. Flory will likely resign the office and allow Gov. Dockery to fill the vacancy.

Mr. Scholl, who lived out near High Point church, died last Wednesday and was buried at Liberty church yard.

Mrs. G. P. Vogt entertained the crokinole club last week. Mrs. C. C. Crump and Mrs. J. P. Metzler became members of the club. Miss Bertha Steinhart won the prize. A very dainty luncheon was served which all enjoyed very much.

## Christmas Bazaar.

The ladies of the First Presbyterian church of Montgomery will hold their annual Bazaar in the Hudson Building, which will last three days, beginning Dec. 13. Oysters, ice-cream and cake will be served from 10 o'clock a. m. until 9 o'clock p. m. Come and see the new candies. Christmas presents varied and unique. Ladies tea jackets, aprons and other articles useful and beautiful. The public are cordially invited.

COMMITTEE.

## Lincoln Park School.

We cannot find words to express our thanks to those who have agreed to help us secure a library for our school. Every one we have asked has given either books or a small donation in money. Some have willing promised to help us in an entertainment we shall have in the near future, and we shall be able to start a considerable little library, and to get class books for those who are not able to supply them for themselves.

The pupils of the primary room held a very interesting Thanksgiving exercise last Wednesday afternoon.

The Bookers T. Washington Society will hold its last meeting built after the holidays Friday afternoon.

Respectfully,  
W. E. Shelton.

Miss Martha Blades, of Mineola, was in town Saturday.

Joe Mattocks of Fulton, spent Thanksgiving with Miss Marie Jones.

Miss Mary Clark returned from a protracted visit in St. Louis Sunday.

J. H. Nelson is spending a few days with his brother, W. C. Nelson.

Tom Kelly of Moberly, visited friends here the latter part of the week.

Mrs. Snethen of Lower Loure, is visiting her daughter, Mrs. James Walker.

R. L. Spears moves into his property on Court House street this week.

T. L. Cardwell of New Florence, was on our streets on business the first of the week.

E. T. Bellamy of Middletown, came over to see his son off the first of the week.

Will Knox, of New Florence, was on our streets shopping the first of the week.

Mrs. A. E. Kemper went to Moberly the first of the week to visit relatives.

D. W. Pegrum went to Middletown Saturday and spent the day with Morg White.

Frank Elrod went to Fulton the first of the week, where he has secured employment.

The Duffy property on Sturgeon street is this week undergoing some improvements.

Miss Minnie Crane of Williamsburg, is visiting Miss Mary McFarland in Kansas City this week.

Dolls, dolls. Dolls large dolls small, dolls dressed or not dressed just as you prefer, the largest line in the county at City Drug Store.

Mrs. E. P. Roe returned from Eureka Springs Saturday, where she has been visiting her daughter the past eight months.

Misses Gertrude Baker and Emma Pomeroy are spending the week with Miss Iva Hensley and other relatives.

Gent's Shaving Sets and fine collar boxes, just the thing for Xmas presents, see them now on sale at G. E. Muns & Co.'s Holiday Emporium.

Miss Fannie Ford returned the first of the week from a several days' visit with T. H. Ford and wife in New Florence.

Ladies, you can get the choicest Perfumes and Toilet sets at the City Drug Store. To see them is to buy them.

M. N. Mallerson, Sr. returned Thursday from Eureka Springs, where he had been the past few weeks for his health. He seems very glad to be back home again and says he feels much benefited by the trip.

## A. F. & A. M. Officers.

Regular communication of A. F. & A. M. No. 246 was held Monday night and the officers for the ensuing year were elected: W. M., R. S. Paul; S. W., W. C. McCall; J. W. John Sleight; Sec., Pit Hensley; Treas., M. N. Mallerson. The new Master has not yet announced appointive officers. After the communication they repaired to Tuttle & Jagers' where oysters and hot coffee were served.