

JUDGE SCOTT'S COURT WAYS

Burt County Attorneys Tell of How They Have Been Terrorized.

ATTORNEY PETERSON'S EXPERIENCE

He Testifies Against the Judge and Explains How He Was Hauled Over the Coals—Tales from Others Who Have Suffered.

TERHAR, Neb., Oct. 27.—(Special Telegram to The Bee.)—The members of the Burt county bar, in not dissimilar contrast with those of Washington county, were not only ready but anxious to pour tales of woe into the ears of the bar committee appointed to investigate the complaints against Judge C. R. Scott. The committee was represented by Attorneys Gregory, Ambrose and Schomp of Omaha. For nearly five solid hours the lawyers of this county, every man of them, with the exception of a dozen attorneys, criticized Judge Scott and his methods, and the only kind thing said of him was by two witnesses, who thought he meant to be impartial. Much of this talk consisted of repetitions of what had preceded, but in the aggregate the witnesses recounted a large number of occurrences in which they thought the judge had been unmanly, insulting, arrogant, arbitrary, false or tyrannical.

Peterson's Late Experience.

Edward W. Peterson, attorney, testified that at the recent term of court Judge Scott announced during the call of the docket that he would not honor any stipulations between attorneys for the continuance of cases. In one case he was informed that the litigant themselves had signed a stipulation for a continuance, but the judge would make no difference. Witness stated to the court that in two cases negotiations were in progress to settle them out of court. Scott answered that the litigants have completed their settlements before court began, and he notified the attorneys to be ready for trial when the cases were called. In another case two important witnesses were in court, but the judge had never refused to honor attorneys' stipulations for continuances.

Witness denied positively that there was any compact between Burt county attorneys to evade trying cases before Scott, but admitted that he preferred to go before other judges, but was influenced by that feeling in asking for continuances. In explanation he said a report was current that Scott, during his campaign, had promised to favor Attorney Ashley in court. In return for assistance in the political canvass. Witness related an instance in which Scott scored him in an abusive tirade before a room full of people, and in a moment with the opposing litigant. They applauded the court, and the judge paused each time to rebuke the demonstrators. Witness undertook to remonstrate, but Scott interrupted him with the sharp remark that he had lost money in the case, and that he would not do anything he had yet said.

The witness explained in minute detail the circumstances of the Kirke case in which Judge Scott scored him, and in a moment denounced him as guilty of conspiring to defraud Wm. Kirke of her estate for the benefit of Attorney Ashley, manager. This is a case which attracted considerable notice in the newspapers at the time, and won the judge many compliments because he had a deed by which the widow had conveyed the farm to the money lender.

At the last term of court Scott directed Peterson to take up certain papers and argue a demurrer. The attorney explained that counsel had agreed to continue the case to the next term and that he was not prepared to try it. The court asked three or four times if the attorney refused and notified him that it would cost any officer of the court \$100 to disobey his orders. Peterson replied each time with a proper show of respect that he could not because he was unprepared, and the last time said: "You may take that up with the judge."

Scott then directed the clerk to docket the case of the state against T. C. Peterson. Attorney Gillis, whose witness had called to his assistance, asked for time to make a showing, but the judge told him he could not have half an hour. The court then filed Peterson \$100 for contempt.

The witness said Judge Scott unfit for the bench, for the reason that he was not able to write proper instructions to the jury. The court asked three or four times if the attorney refused and notified him that it would cost any officer of the court \$100 to disobey his orders. Peterson replied each time with a proper show of respect that he could not because he was unprepared, and the last time said: "You may take that up with the judge."

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Some of Scott's Peculiarities.

H. Wade Gillis, a Talmah attorney, corroborated Ashley's statement about the "go-with-you" remark of Scott. He afterwards had a talk with W. G. Sears of Oakland and learned that Scott made a similar proposition to that attorney.

In the trial of a case in Washington county the witness read an authority that was not in line with his opinion. Before a C. R. Scott. The judge ordered the attorney to "shut up," saying he did not want to hear any more of that kind of law, and refused to hear further authorities.

In other cases Scott refused to let the witnesses read motions for new trials which were on file. The witness once undertook to attack the court's instructions because they were so badly written and interlined as to be wholly unintelligible, but the court would not permit him to speak. He was then charged that Scott had refused to allow him exceptions, and cited instances.

In the Kirke case the judge left the bench to sit down with the widow and said to Gillis: "I am going to protect this witness." "Would you please enter, your honor, if you waited until she had been attacked?" asked the attorney.

"Well, I am going to help you," responded Scott. Gillis said he wanted no help, and asked that the reporter make a record of these peculiar proceedings, but the stenographer refused to do so. The court suggested that the attorney had better not interrupt her with objections, promising to note any exceptions afterwards. The record does not show the objection, and when Gillis called Scott's attention to the omission, the latter denied having made the promise.

Pleasant for the Attorneys.

In another case Judge Scott interrogated a witness, and then asked him what he had said. The lawyer objected because that was a privileged matter. The court turned upon the attorney and said: "You sit down and shut up, and I will give you all the privileges you need."

Referring to an interview with Scott published in the Omaha World Herald, the witness said the statements were false and the dictator a falsifier.

Scott corroborated statements as to Scott's habit of forgetting promises to lawyers. In one case Attorney N. J. Sheekel undertook to prove by other attorneys that the judge had promised him not to interrupt to make a showing, but the court refused to listen, saying angrily: "Do you believe you, or them either?"

Sheekel's preparations to take the affidavits of others who had overheard the conversation between himself and Scott, and the witness produced a copy of the petition circulated in Scott's behalf during the recent unpleasantness and offered circumstances in which he had been wronged, as dictated by the judge and copied by his stenographer.

The witness corroborated Peterson's account of his contempt case. He added: "Several times during the day Scott called the sheriff to him and asked: 'What have you done with that man? Is he in jail, is he behind the bars?'"

When Scott learned of the habeas corpus proceedings he stormed and fumed in open court, declaring that the court had no jurisdiction and ordered the sheriff to go out and rearrest Peterson, threatening to fine him \$1,000 if he refused to do so.

The witness, with her docket in hand, related a great number of cases of alleged irregularity and impropriety on the part of Judge Scott similar to those already described. In two instances the court announced from the bench that suits would be taken for the people of this state showing. In other cases the docket recorded proceedings that had never taken place.

Other Witnesses Heard.

N. J. Sheekel, county attorney, corroborated Peterson's account of his contempt case. He added: "Several times during the day Scott called the sheriff to him and asked: 'What have you done with that man? Is he in jail, is he behind the bars?'"

HOW C. E. LOWER WAS KILLED

Suddenly Crashed to Death While Examining a Defective Car.

BUT THE JURY EXONERATED THE COMPANY

Declaratory to Have Been the Result of Unforeseen Causes—Different Theories as to the Manner in Which it Occurred.

LINCOLN, Neb., Oct. 27.—(Special to The Bee.)—At the coroner's inquest today over the body of Charles E. Lower, the young man found in a dying condition in the B. & O. M. yards last night, it was developed that the man had met his death while engaged in coupling cars in the regular performance of his duty. It appears that a number of cars which had been condemned as being in "bad order" were being about the yards and that on one of the cars the draw bar had been removed and the car was attached to the next one to it by means of a heavy chain.

Lower went between the cars to fasten the chain, when the engine suddenly backed, crushing the unfortunate man between the cars so badly that he lived but a couple of hours. At the inquest the engineer of the switch engine testified that he knew nothing of the occurrence until two hours afterwards. He has moved the train about fifteen car lengths and then was given the signal to stop. He did so, and remained stationary for fifteen minutes, when he again moved his train in order to allow a train to pass. He was of the opinion that the accident occurred by reason of the rebound of the cars when he stopped his engine so suddenly.

The testimony of W. H. Harlan, a switchman who witnessed the accident, was not different from that given by the engineer. He stated that when Lower went between the cars to fasten the chain, that Lower suddenly called upon him to jump; that he did so and narrowly escaped being caught between the cars. Lower jumped backward and was caught between the cars and dragged the length of a car on the train stopper. Harlan claimed that the cars did not rebound but asserted that they were backed by the engine.

The jury visited the scene of the accident and afterwards returned a verdict to the effect that the accident was the result of unforeseen causes.

After Heavy Damages.

After many delays the somewhat celebrated case of Mary Clark against the Lincoln Gas company came on for trial today in Judge Tuttle's court. Clark, who formerly the wife of William Dinneen, an engineer in the employ of the gas company. On August 19, 1920, the boiler exploded and Dinneen was killed. His wife commenced suit for damages, placing the amount at \$10,000. She afterwards married again. The defense attempted to have the case thrown out of court on the ground that the plaintiff having married again ceased to be the legal administratrix of the deceased husband. No objection was made to the case being heard as an amended petition, enabling her to sue as the personal representative of the deceased. The defense then set up the claim that the husband had been granted to be in a safe condition and that the accident was due entirely to the carelessness of the deceased.

Gossip at the State House.

Governor Boyd sends the following message of sympathy and condolence to the bereaved family of the late Charles E. Lower: "I desire to express my deep sense of personal sympathy with you in the hour of your great affliction and to further convey to you for the people of this state their tenderest expressions of condolence."

The case of P. A. Nelson against William Jenkins was filed in the supreme court this afternoon. It comes from the county of Lincoln. Governor Boyd today honored a requisition from the governor of Wyoming for the arrest of John E. Harrison, who was held at Sidney, awaiting the arrival of Sheriff Yund of Laramie. Woods is wanted in Wyoming for obtaining money under false pretenses.

Governor Boyd today commuted the sentence of Charles Fisher of Omaha from five years' imprisonment in the state penitentiary to two years' imprisonment in the penitentiary. The case of Mary Clark against the Lincoln Gas company came on for trial today in Judge Tuttle's court. Clark, who formerly the wife of William Dinneen, an engineer in the employ of the gas company. On August 19, 1920, the boiler exploded and Dinneen was killed. His wife commenced suit for damages, placing the amount at \$10,000. She afterwards married again. The defense attempted to have the case thrown out of court on the ground that the plaintiff having married again ceased to be the legal administratrix of the deceased husband. No objection was made to the case being heard as an amended petition, enabling her to sue as the personal representative of the deceased. The defense then set up the claim that the husband had been granted to be in a safe condition and that the accident was due entirely to the carelessness of the deceased.

Freemont News Notes.

FREMONT, Neb., Oct. 27.—(Special to The Bee.)—J. P. Allen and family will remove to Texas to reside until he completes his railroad work there.

The funeral of John Brand, 83 years of age, was held in this city this afternoon and the remains taken to Kacie, Wis., for interment. E. S. Seattie of Blair has commenced work on the new bridge across the south channel of the Platte river near this city.

Ended the Street Car Fight.

BEATRICE, Neb., Oct. 27.—(Special Telegram to The Bee.)—The sale of the track, franchise, cars, etc., of the Beatrice Street Railway company to the Rapid Transit and Power company was concluded this afternoon. The consideration was \$5,000. It is the intention of the Rapid Transit company to operate electric trolley cars on the street car lines of this city. By this afternoon's purchase they become the owners of all the street car lines of the city except the Glenwood line, which will probably be abandoned altogether.

Died of His Injuries.

THE HORSE DRY GOODS CO.

65c FOR

Two thousand yards of Rochdale all-wool Suitings, in dark winter colors.

Seventy-five pieces double width Chevron and Cheviot Dress Goods, dark and medium colors, for winter wear.

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Blankets, Comfortables, Lap Robes, Horse Blankets,

50 stylish Camel's Hair Pattern Suits.

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PAVING BONDS.

Proclamation and notice of submission to the voters of the city of Omaha of the question of issuing bonds for the purpose of paving, repaving or macadamizing the intersections of streets and spaces opposite alleys in said city, and to the cost of making the same, and to the cost of assessment of special taxes for paving purposes.

The said question and proposition shall be submitted to said voters on the proper form provided by law for official ballots, with the words "Yes" and "No" printed thereon. All ballots shall be counted in favor of issuing said bonds, and all of said ballots shall be counted and considered as against the proposition.

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