The Career and Judicial Record of Cunningham R. Scott.

Extraordinary Appeal in the Name of the American Protective Association.

TRYING TO FORESTALL IMPEACHMENT

A Gallant Colonel Who Never Wore a Uni form and an Able-Bodied Patriot Who Sulked at Home When the Nation's Life Was in Peril.

Upon the convening of the legislature the following appeal was placed in the hands of

OMAHA, Neb., Dec. 31, 1894.-One of the over 40,000 in the state, on the 26th day of December, 1894, unanimously adopted the following preamble and resolutions, which speak for themselves:

"Whereas, It is rumored that there are pre neys of this city and district, at the dictation of Edward Rosewater, covertly to smirch the character of Judge Cunningham R. Scott, one of the judges of our court, in order, as we believe, to gratify an unworthy, malicious spleen against said judge, and to carry out all those whom he cannot use, and that we matter as akin to his oft-repeated efforts seeking to destroy republicans of this state who would not truckle to his venomous behests, and,

"Whereas, We know Judge Cunningham R. Scott to be honest, upright, incorruptible and fearless in his administration of the law, and commend his manly and courageous adherence to equal and exact justice in all cases and to all persons, in his administration of because he has required foreigners seeking naturalization to be informed upon the principles of our government; and,

Whereas, Judge Cunningham R. Scott is a

ceedings smirched, or the judges thereof being traduced or vilified to gratify a personal malice and hatred; and,

"Whereas, We regard Judge Scott as the peer of any district judge in the state, in purity of character, honesty of purpose and a desire to do right to all men; therefore,

"Resolved. That we consider such an action beneath the dignity of friends of law and order and good government, subversive of the liberties of the people, a barrier to the enforcement of the law, and that it is an un holy scheme to impeach, or attempt to impeach, said Judge Cunningham R. Scott to gratify a personal malice, bordering on anarchy and revolution.

"Resolved," That we call upon the representatives and senators from this county, district and state to throttle any attempt to bring repreach upon said Judge Cunningham R. Scott, and his court, by impeachment proceedings of any name, nature or kind, knowing as we do that there is no ground for such a proceeding, save that of bitte personal malice and hatred of Rosewater.

"Resolved, That we will stand by and de fend said Judge Cunningham R. Scott and his court against such attacks, and will uphold and support our representatives in their assistance in that regard in defeating a nefarious, devilish scheme to blacken his character and subvert his court."

While no names are attached to this extraordinary document, its authors have in so many words committed the American Protective association of this state to the endorsement of the allegations embodied therein, and thus challenged public attention to the career of Cunningham R. Scott and his judicial record, which The Bee deems it its duty and privilege to present to the legislature, leaving that body to decide for itself whether Cunningham R. Scott is, or is not, a worthy citizen, a true patriot, upright and fearless in the administration of law with equal and exact justice in all cases and to all persons; and whether or not his conduct justifies his removal from the bench.

SCOTT'S EARLY CAREER.

Striking Incidents of His Life in Iown l'own to 1884.

Cunningham R. Scott-came to Omaha about ten years ago. Upon his advent in this city he assumed and sported the title of colonel. A martinet in manner, with "fight" written all over his countenance, he was believed to all over his countenance, he was believed to be a veteran who had served his country gal-and was running things to suit himself. lantly in defense of the flag. When asked from whence the colonel hailed, it was not from Appomattox and the historic apple tree, but from the peaceful village of Anamosa, Ia. He was a resident of Anamosa in '61, when Fort Sumter was attacked by the South Carolina rebels. Scott was then a young man, about 26 years of age, in the prime of life, full of ambition and patriotism. He was get the woman off the place and on one of his anxious for an opportunity to make himself famous, and the war furnished the opportunity. Leading union men of the town had demanded that several citizens who were sup- don't posed to be southern sympathizers be required to take the oath of allegiance. Scott, strange to say, counseled moderation and for \$10,000 damages, alleging that Scott had went to a mass meeting to speak against the proposition. But he flopped completely and made a speech demanding that every male citizen of the town be forced to take the oath. remarked: "About five years ago I was A cause for his change of heart and utterance was easily found. A military company was being organized and Scott had conceived the notion of seeking the bauble reputation at the Mrs. Richardson, "and ever since that time as a judicial freak. He some time since seneannon's mouth as captain of the company. we have been unable to raise nothing but h—1 lenced an editor to imprisonment for comnotion of seeking the bauble reputation at the He was one of the most ardent promoters of the new company. He made a speech, in which he declared he would part with all of his worldly possessions for one good shot at a rebel. It was a great bid for votes, but it failed. When the newly enrolled company voted to select its officers E. B. Alderman o Marion was almost unanimously chosen cap tain, and Scott could not even capture a lieu-tenancy or a minor office. The result of the election sounded the death knell of his patriotism, his fighting blood cooled with sur-prising suddenness, and when the Anamosa my was ready to start for Davenport the Twenty-first lowa infantry Scott's name had been stricken from its enrollment. His health had suddenly failed along with his patriotism, and he was threatened with rheumatism of the heart, and presented a physician's certificate to that effect. He remained a home guard through the entire war, but has proudly borne the title of "colonel" ever

DIPPED INTO POLITICS. Having failed as a military hero. Scott tried

the democratic ticket in Iowa at that time, | election two years later Scott was as bitand Scott was elected and served six years. He then tried to get the nomination for state senator, was defeated and went over to the senator, was defeated and went over to the senator, was defeated and went over to the senator. senator, was defeated and went over to the very sno enemy, and fought every nominee of the republican convention which had refused to Omaha. further honor him. This ended his career in Anamosa. Embittered by his defeat, he

ition of the personal and political fights by high he had achieved notoriety in Anamosa. He formed a law partnership with B. F. Montgomery, which was dissolved in April or May, 1873. There were some tragic events onnected with the dissolution of that partconnected with the dissolution of that part-nership, which are best told by Mr. Mont-gomery himself in an affidavit made about that time, in which he says: "In our dissolution and settlement we di-vided our accounts. I took some and Scott

ok some. One account came to me against T. Hart, in which there was an item of OMAHA, Neb., Dec. 31, 1894.—One of the still for services. In settling up Mr. Hart did organizations of this city, said to represent not know what the item meant, nor did I. over 8,000 voters in this city and county, and Scott having retained the partnership books, I went to him to try and find out what the \$10 item was for. I met him in front of his office on Pearl street. He was in consultation with William Orr, and as soon as they were through talking I showed Scott the account and asked him what it was for. He told me and then I asked him to let me liminary steps being taken by certain attor- He told me and then I asked him to let me see an account against Mr. Stern. He said that he would not let me see the books and that if I did see them it would be by operation of law. I think that at this time I showed him a letter from James Ledwich, in which Ledwich claimed to have paid him some money which had not been credited. some money which had not been credited, his well known policy of seeking to destroy Ledwich was a d-d lar and that I had nothing to do with the matter. I told him recognize the motive of Rosewater in this that there was certainly a difference between money paid to the firm and open and outstanding accounts. He said that I should not look at the books, and that he did not want to talk with me about it. I told him that there was no use of getting excited about it, that if there had been any mistakes we ought to talk matters over in a business way and correct them. He said that he did not propose to correct anything; that I was an overbearing — — and that he did not want to talk to me. I told him that the and to all persons, in his administration of only objection I had to talking with him was his judicial office for the past three years, and that he was so d-d small that it was difficult to find him, and that if he had been stealing I proposed to find it out. He asked me if proposed to call him a thief, and I replied meant to say just what I had said.

"We were then standing about three or worthy citizen, a true patriot, and an unswerving American in all his outgoings and incomings, both as a citizen and a judge of the court; and.

"Whereas, We are opposed to our courts being terrorized into subserviency to the lim to make a d—d fool of himself in public. power of any individual or organization of I started away and went into his office and individuals, or the character of their pro-At that time Scott was walking toward the railroad office."

This is corroborated by the affidavits of J.

Montgomery and Jacob Simms. INDICTED BY THE GRAND JURY. At the May term of the district court an grand jury of Pottawattamle county:

against C. R. Scott, district Potta-

wattamie county, Iowa.

May term, 1878. The grand jury of the county of Pottawattamie, in the name and by the authority of the state of Iowa, accuse C. R. Scott of the crime of assault with intent to murder, committed as fol-

For that the said C. R. Scott, on the 16th day of May, A. D. 1878, in the said county of Pottawattamie, and state of Iowa, being armed with a pistol, leaded and charged with gunpowder and leaden bullets, which he, the said C. R. Scott, then and there had and held in his right hand, in and upon one B. F. Mont-gomery, did make an assault with the intent then and there, him, the said B. F. Montgomery, wilfully, feloniously, deliberately, premeditaand of his malice aforethought to kill and murder, contrary to the statute in such case mad and provided, and against the peace and dignity of the state of Iowa.

District Attorney Presented in open court by this 7th day of June, A. D. 1878.

bail in the sum of \$500 each, and in " default of ball commit to the jail of Pottawattamie county until dis-charged. J. R. REED, Judge of the Thirteenth Judicial

the case was continued. Montgom-ery removed to Denver and the case disposed of, although the indictment still remains a matter of record in the office of the clerk of the courts Scott's methods were

shown in the manner of the dis tion of the partnership with Montgomery which led to the attempted murder by Scott of his former legal

associate. Monigomery had been out of the state on legal business and returned to find that Scott had arbitrarily dissolved the parting a conference in an adjoining room.

ABUSED A WOMAN. The "colonel" had another chance to show his fighting prowess in Council Bluffs with a woman for an opponent. Mrs. Richardson had rented a farm of Scott. She was to have a one-half interest in the product of the farm visits, she avers, said in the presence of her get off the place I'll thrown Mrs. Richardson was forced the place and commenced suit against Scott referred to her as "A d-d old blister" and had injured her character by his abusive and vulgar language. In the trial of the case Scott, who was defending his own interests, \$5,000 in cash, which I put into a farm in o that old helfer over there," pointing to

Notwithstanding his clever version, Scott was unable to win his case. The jury re-turned a verdict in favor of Mrs. Richardson, which was satisfied on October 9, 1888.

HIS RECORD IN POLITICS. When Judge Reed, now of the United States court, was upon the district bench, he aroused he tre of Scott by making him sit down, with the rebuke that a temple of justice was not the place in which to wash dirty linen. As a result of this Scott made a bitter fight upon

supreme beuch. Scott's boasted fealty to the republican epublican nominee for congress in

Scott left Council Bluffs and removed to

For some time after coming to Omaha in Anamosa. Embittered by his defeat, no including the summer of quarreled with his political and personal friends, and finally left the city, removing to Council Bluffs early in 1872.

THE ASSAULT ON MONTGOMERY.

"Colone: Scott and during the summer of practice of law, but during upon his loyalty to Omaha, and what he was going to do toward helping the city. All of this time he was nursing a political boom which to help him along in his canvass. sly work he managed to secure a majority of the delegates in the judicial convention. which was held in Exposition hall on Octo ber 5 of that year. He was nominated by acclamation and after having been boosted to the platform spoke as follows: "The judge who will refuse to recognize the young attorney is a moral coward. The judge who will throw cold water upon the young attorney, simply because he is young,

is the kind of a man who will whip a woman and then boast about it. "Now you have my platform. When I am not busy trying to get the republican na-tional convention for Omaha you will find me working for the ticket nominated today. Scott's electioneering methods were char acteristic. He had never been noted as a pay his assessment to the republican committee, and never has paid up. He was a boomer from the word "go" in the matter of getting the republican national convention of 1892 located in Omaha. He neglected his canvass for a place on the district bench while he visited other states, on money contributed by Omahans, to enlist their aid in Omaha's efforts to capture the convention prize. He pledged countless thousands for the entertainment of delegates and had his praises sounded by newspapers everywhere. His campaign for judge progressed finely and very cheaply. He was placed on the delegation that was sent to Washington to labor for the location of the convention. This turned his head completely. His concelt knew no bounds. He had the convention assured. All he had to do was to go down to Washington and have the national committee formally ratify his plans.

THAT TRIP TO WASHINGTON. The committee of Omaha citizens started for the national capital on November 17, 1891. On the special train he quarreled with every one and made himself unbearable. Upon reaching Washington he at once gave Omaha a very unenviable reputation. He insisted a very unenviable reputation. He insisted upon monopolizing the entire time allotted to Omaha for the presentation speech when of leave men, and moral blisters upon the every other city had three or four of the body polittic.
ablest orators of their respective states, and "There comes from the people a command the national committee was abusive and lost Omaha several votes that would have been cast for her but for his tirade. He was impooned and denounced by the leading papers of the country for his want of courtesy and his outrageous insolence.

The most discourteous exhibition of conindictment, of which the following is a true celt was Scott's conduct at the white house. copy, was returned against Scott by the The members of the Omaha delegation had called to pay their respects to President



THE STATE OF IOWA AGAINST

INDICTMENT FOR foreman of the grand jury, in the associated amulus F. H. WARREN,
Clerk District Court.

Issue a bench warrant for the arrest of the defendant, and admit to

District.
Scott gave the required bond and 1977, Wastyerman

tion chamber while the president was hold-ing a conference in an adjoining room. HELD DOWN THE CHAIR.

Regardless of the conception of any act o decency Scott seated himself in the presi dent's private chair, and at the presiprivate desk, remaining there even after President Harrison had entered the room gates to the president, but Scott did not rise one-half interest in the product of the farm from his seat, though everybody, including and the live stock. Scott wanted both halves the president, remained standing. Quite naof the crop and a row was on. Scott tried to turally the president was nettled and turned his back on Scott while he talked to the other members of the delegation. Scott rechildren, "You are a set of d-d dirty mained as motionless as a statue in the tramps and dead beats," and at another time said to her, "D-n you, if you and when the delegation passed out of the room President Harrison ignored Scott's pres-ence. Scott finally picked up his hat and sauntered out after the delegation, maniost irritable temper because the president had ignored him.

An Iowa Tribute. Des Moines Capital. Cunningham R. Scott, whom Iowa kindly let Nebraska have some years ago and who is now a judge latter state, is building up quite a reputation as a judicial freak. He some time since senmenting on him and his court, and the fact that the supreme court reversed him in the matter does not seem to have improved his temper. now presiding in the criminal court of Douglas county, where is docketed a case of criminal libel against the same editor. The latter made application for a change to another judge, which Judge Scott refused. The editor then went before the other five judges of th district, sitting in bane, and asked for an Judge Reed when he was a candidate for the order making the transfer. The judges invited Scott to come before them, and to give reasons why the transfer should door, expecting the arrival of a messenger not be made. To the bailiff who brought the request Judge Scott said. "Take that back of his family, who at the time was very sick." party does not stand scrutiny much better to give reasons why the transfer should than his military record does. He bolted the not be made. To the balliff who brought the the request Judge Scott said, "Take that back Judge Scott noticed this look, and in an an-Ninth lows district in 1882. Scott took the stump for W. H. M. Pussy, the democratic nominee, abused Major Anderson, the republican candidate, so unmercifully that he was compelled to take notice of the doughty ludges. He anonunced that the editor in look at me." to your judge, and tell him to mind his own gry tone of voice remarked, "I want you colonel and in doing so he said, from the question should be tried in his court if he H. Wade Gillis, ex-county judge, member platform: "When God Almighty sent C. R. (the judge) lived, and he was going to live of the Burt county bar, was hauled over the

BENCH SCANDALIZED

Scott's Erratic Performances and Outrageous Judicial Usurpations.

MENACE TO THE FREEDOM OF THE PRESS

A Perversion of Justice and Reckless Disregard of Constitutional Rights and Statutory Limitations - Justice Without Equality-Forgery at a Premlum.

At the opening of the February term of court, 1892, Scott went upon the bench for the first time, taking one of the law court rooms, Judge Davis having been assigned to the criminal bench. By an agreement entered into by the judges, it was decided that Scott should charge the grand jury, which had been drawn for that term of court. Scott delivered one of his grand stand har-

rangues, a portion of which was as follows:

A dishonest public official, whether ministerial, legislative or judicial, is a public menacteristic. He had never been noted as a liberal contributor to campaign funds and ace and should be hunted down as a blighter after his nomination for judge declined to of public confidence; a peculator and speculator upon the property and rights of the publie; a perjurer, who makes merchandise for his own selfish and corrupt purposes of the confidence and faith reposed in him by the people. He is worse than a highway robber, because the victim, the people, have not a fighting chance to protect themselves ere he robs them. To call such an officer a thief would be flattering. - That such persons have held office within the boundaries of this county, and within the statute of limitation is quite manifest, unless all indications point the scene, where they found Scott holding the the wrong ways. Nor will you have to exercise a very high degree of diligence to find them if you are looking for public criminals. "A little well directed effort on your part as grand jurors in the direction here indi-cated, would doubtless open up a field into which a stone could not be thrown without hitting a criminal. You should see to it that the stone is thrown, and thrown hard. You owe it to yourselves, the people whom you represent in your present service, and to your sworn obligations to make that effort, and to make it with such an uncompromising zeal that hereafter, a mark more indelible

he was only prevailed upon to give up part of the time after several disgraceful scenes at the Arlington hotel. His speech before cry, for it comes from a patient, long-suffering endurance, which has at last reached its limit."

SENT TWO LAWYERS TO JAIL. Scott left the criminal bench and went back to his own court room. The grand jurors went out, and at one of their sessions they indicted Edward F. Morearity, an ex-member of the city council. After Morearity's arrest, he employed Silas A. Cobb and W. J. Ciair to defend him. A few days later these lawyers filed a motion in Judge Davis' court hawyers filed a motion in Judge Davis' court to quash the indictment, on the ground that Judge Scott's charge to the grand jury was inflammatory, prejudicial and that it prejudiced the grand jurors to an extent that they were not fair and impartial. This motion was filed on March 18, 1892.

following day the Morearity trial was hefore Judge Davis and a jury, in the criminal section of the district court. Just before noon, and unvited, Judge Scott entered Soon after this a bar meeting of the entire the room, mounted the bench and took a seat district was called in this city. It was held beside Judge Davis. Shortly afterward Judge in room No. 1, in the court house, and was Davis adjourned his court until 2 o'clock. Davis adjourned his court until 2 o'clock. Then Judge Scott, wponchis own motion, addressed himself to Mr. Clair, who, with Mr. Cobb, was in the room, and asked him if he signed the motion to duash the indictment. Both gentlemen answered that the signatures Both gentlemen answered that the signatures mittee, consisting of Attorneys W. W. Morse-Scott asked if they were willing to strike the man, G. W. Ambrose, W. H. Eller, D. D. motion from the files of the court. Mr. Cobb Gregory and John Schomp were appointed. replied that he wanted time to consider that This committee went to Blair, in Washington

They informed Judge Scott that they would strike nothing from their motion. Then here was a scene in the court room. The up shot of the whole matter was that Clair and Cobb were adjudged guilty of contempt of court and sentenced to each pay a fine of \$25 and remain jail for twenty-four hours. That afternoon Scott started for one of the for several days, and, in order to get the case and got the bill of exceptions ready. They Webster street depot waiting for the de-Webster street depot waiting for the departure of the train. Instead of signing the bill, he took the papers, put them into his der, was called for trial. In pocket and remarked that he would look into bill, he took the papers, put them into his der, pocket and remarked that he would look into due

In the meantime the sheriff had carried into execution the order of the court, and the Friends and others interested themselves and another record was made, supported by affidavits, and with an attorney, hurried away to the supreme court, where supersedeus was

SUPREME COURT TOOK A HAND. When the case came up for hearing in the supreme court, the findings of Judge Scott were set aside, not one of the judges dissent-In passing upon the case, the members o

the supreme bench reviewed the testimony and affidavits, added to their opinion when considering the motion to quash the indictment, "We are constrained to regard the obsumes the commission of the crime of bribery, a merited criticism. While doubtless intended as an admonition to the jurors with respect to their duty, it cannot be construed nce, which amounts to an abuse of discre-

The Clair-Cobb incident tamed Judge Scott own to some extent, and during the summer of 1892 he got along reasonably well with the members of the bar, though this was accounted for in a measure by the fact that he presided over one of the law dockets, and that nost of the cases thereon were continued by the attorneys when reached. In September of that year Scott went up to Tekamah to hold the regular fail term of court. There was trouble from start to finish, and, on account of his violent exhibitions of temper. ho was compelled to give it up as a bad job and return home.

Going to Blair to hold the fall term

court in Washington county, Judge Scott tered the court house, and immediately took place on the bench. Opening the docket he commenced a call of the cases. Soon after this, and while there was a lull in the proceedings, Judge I. W. Osbourne, one of the oldest practitioners in this portion of the state, walked up to the bench and addressing Judge Scott, said, "Good morning." Scott did not reply, and Mr. Osborne withdrew. During the day the case of the state on the relation of Triplett against Warner was called for trial. Mr. Oshorne suggested that the case might be stricken from the call, while Attorney Jesse P. Davis interposed an objection, saying that it would be wrong to have it dismissed. Scott marked this case dismissed, then marked it continued, after which he erased both entries, so that the attorneys and the clerk were unable to tell any thing about its disposition.

SOMETHING OF A CIRCUS. During the same day the case of John Ros, ecciver against the Richardson company was Judge Osborne was conducting side. During the progress of the trial, Judge Osborne happened to look around toward the

Judge Osborne answered that

he wanted to speak to his son a moment. Scott still angry, answered, "No, sir; you

ceptions to the ruling of the court, as the reporter had strict orders to always take down exceptions after objections had been made. A witness was upon the stand and objections interfered with her giving testimony.

this man interferes again, you put him under arrest. You can't run this court worth a cent. Mr. Defendant, did you write that article?

Mr. Percival—I refuse to answer that questions. Scott told Gillis that after the testimony was all in, he could make such objections as he saw fit. After the trial was over, Scott re-fused to allow the objections to appear, and

said that he had never made the statement During the term of court held at Tekamah matters grew stormy, as Scott continued to matters grew stormy, as Scott continued to roast the attorneys right and left. The spectators in the lobby hissed and applicated by turns, until the court resembled a political meeting much more than it did a tribunal of justice. Scott bore down upon the attorneys so hard that they finally left in disgust. On the day before the final adjournment, charges of insanity were filed against Scott. The next morning after the films of the charges Scott morning after the filing of the charges, Scott convened his court, when H. H. Bowes arose and stated that he understood that the commission for examining into his sanity was ready for him to appear, that it might be decided if he was sane or insane, Scott became very angry, and striking his hands to-gether, remarked: "I will show you who is insane." He stormed about the room, abusing the attorneys, telling them that they would have to "shut up," and proceed with their cases. This the attorneys refused to

Attorney E. W. Peterson at this term of court was adjudged guilty of contempt of court, fined \$100 and the costs and remanded, simply because he told Scott that he was not Scott insisted that he should go on with th case, while Peterson insisted that he could not, for the reason that he had not made the preparations. A commitment was made out and Peterson was taken to Jail, from whence he was released a few moments later upon a writ of habeas corpus, issued by the county

Things were getting rather hot for Scott, and he telegraphed to this city, asking that some of the attorneys jump into the breach fort, but not any court, for the attorneys had refused to appear before him, and the jurors had been discharged. About this time, however, he discovered that Peterson had been released from custody, and frothing and forming about, he declared that the county judge had no authority for issuing the habeas corpus, and that he would proceed against that official. The sheriff was ordered to go out and retake Peterson and again comm him to jail, this injunction going along with

AGREED TO LEAVE TOWN. The sheriff was not made of the kind of

for Peterson, though he was not successful to any slarming degree. Scott went before Judges Keysor and Irvine securing a temporary order, rstraining the Board of Insanity from acting. He alleged that the members of the bar of Burt county were in a conspiracy, but after listening to the law and the evidence, the two members of the district bench denied the injunction. holding that the Board of Insanity of Burt county acted in a judicial capacity, and that its action could not be controlled by the district court.
The climax had been reached, and things

term of court. This agreement was kept upon the part of Scott, and since that day he

proposition. Instead of granting time, Judge county, where several days were spent in Scott replied, "You will do it now or not at taking testimony, after which the members returned to this city and resumed their sit tings. Most of the testimony was in when friends of Scott went to the members and begged of them not to make a report. iraft of a report, however, was made, before being signed, it was locked in the

After the Burt county troubles, Judge Scott dropped out of sight until he went upon the eriminal bench. He had ranted over the law and the equity dockets, but his mouthings were allowed to pass unnoticed. Soon after getting upon the criminal bench

where he had to deal with the rights of per verdict of guilty. McGinn was taken before Scott for sentence, and being anxious to slip the man off the face of the earth, he sentenced him to be hanged, failing to allow him the time to live as provided by th statutes. Some days later Scott discovered his mistake and had McGinn called befor im again, when and where he was the sec nd time sentenced to die. The attorney to the supreme court, where it is at this

SCOTT'S PECULIAR METHODS. During the early spring of 1893 a large mantity of sugar was stolen from the carr nd warehouse of the Burlington road. Detectives traced the theft to T. F. Jardine. man who operated a city express company and George Smith, his employe. Both mer were arrested and held to the district court, where they pleaded not guilty. The case was called, and they demanded separate trials. Smith was tried before Judge Keysor, convicted and sentenced to a term of five years n the penitentlary, where he is now serving out the term. The case against Jardine, the principal, was continued until March 8 ,1894. when he went before Judge Scott, withdrey guilty. This plea was accepted, and Jardin vas released on bonds, to appear at the September term of court. Upon the opening of he September term Jardine again appeared before Judge Scott, and the imposing of the entence was postponed for one year

After Jardine had been released, March 8 The Bee gave publicity to the illegal ceedings had before Scott. The next day W. D. Percival, the reporter who was supposed to have gleaned the information, was ested on a warrant issued by Scott, charg-contempt of court. There was no testiintroduced to show that Percival wrot

ticle complained of by the court. val was represented by attorneys, and he following proceedings were had: The Court-The judgment of the court is hat the defendant is guilty of contempt. Mr. Simeral-We want your honor to note an exception

The Court-I don't note exceptions, significant he reporter notes exceptions. Mr. Percival have you anything to say why sentence should not be pronounced against you now? Stand Mr. Percival-I have my attorneys here;

want my attorneys -WOULD NOT LISTEN. The Court-I won't hear them. I want

Mr. Percival-I have nothing to say. The Court-You have nothing to say? Mr. Simeral-Will your bonor hear counsel think I can convince your henor that the nan is not in contempt The Court-I have already decided that Simeral-And that the law is with th

efendant -The Court-I have decided that, too Percival, did you write this article of your Mr. Simeral-You need not answer that

The Court-You tell him that again, sir, nd I will have a contempt case against you.

Mr. Simeral—I am here appearing for the Court-You have been itching to get sto jall yourself.

Court-Take that down, Mr. Reporter.

The Court-Why do you refuse to answer. Mr. Simeral, come back here. I want to warn you about advising him to do this. The Court-I understand that, Judge; I unlorstand that; I understand exactly the sliuation. Sit down a moment and I will explain

Judge Duffle-The court has already found his defendant guilty

DENIED ALL RIGHTS. The Court-1 won't be interrupted.
Judge Duffle-I demand my rights as an atorney. I am here as the attorney of the

The Court-And I am here to pass upon this case and sentence the defendant.

Judge Duffle—I think the court has no ight to ask the defendant for evidence in he case now.

The Court-I have a right. I have a right o ask him any question in regard to the crime for which he has been convicted. For attorneys to stand up here and tell a party that has been convicted of a crime—tell him that he need not answer a question—do that again—I mean just what I say—Mr. Sheriff, f they do it again, you put them under ar-

he reason you refuse to answer that ques-Mr. Percival-I refuse to answer that ques-

The Court-You refuse to answer that quesstand mute, then, do you? Mr. Percival-Yes, sir.

The Court-I shall require you to enter into a bond for \$500 for your appearance next Saturday morning, at which time I shall procounce sentence upon you. The defendant is n your custody, Mr. Sheriff. Judge Duffle-Your honor will please note in exception to the order.

SUPREME COURT TO THE RESCUE. The next Saturday the case was again called, Percival appearing for sentence, but instead of Scott imposing the judgment of the court, he ordered a new trial. Upon his World-Herald, Scott adjudged Percival guilty \$1,000. There is a statutory penalty for not carrying out the orders of the court, and I will see that it is imposed."

Word-relaid, Seet adjudged releast guide of contempt, fining him the sum of \$50 and costs, the order being that he stand committed until fine and costs were paid. Not being disposed to part with this sum of money, Percival went to jail, where he re-mained for the space of six hours, and until the supreme court could order him released. This drag net set for the reporter was in ended to catch other fish, and it did, too, Having disposed of Percival,

warrant for the arrest of Edward Rose vater, editor of The Bee, and had that gentle man called into court, charging him with be ng responsible for the publication of the Jardine article. Mr. Rosewater tried to show that he knew nothing about the publication of the article until he read it in the paper, but that made no difference to Scott. The court would listen to nothing, and before the arguments were completed, he passed a com-mitment over to his stenographer, finding Mr. Rosewater guilty, fining him \$500, and sen-tencing him to thirty days in the county jail. Without allowing him to appeal, Mr. Rosewater was ordered hustled away to jail. where he was allowed to remain until attorneys could reach a judge of the supreme court, who, upon the showing entered an

HE LIBERATES A FORGER. Charles Woolridge, alias George Woolridge came to Omaha sometime during the fall of 1893 and he soon found employment as a clerk and stable man with Heafy & Heafy. For a time he continued to work and conduct

The first intimation that Woolridge was not ame through Hayden E fore Christmas he appeared at the store and ing a check purporting to be signed by Heaf; over to the store of Heafy & Heafy, where Morgan Heafy pronounced it a forgery. The same day Woolridge presented a \$10 check at the Diamond pool rooms, where it was cashed. Several other checks were scattered around town by the man, all purporting to be signed by Heafy & Heafy and all of them were pronounced as forgeries. Two or three days later he was located and arrested, just as he was in the act of leaving the city. Friends of the man jumped into the breach and made good most of the forged paper, but notwithstanding this the man was tried in the police court and held to the district court.

On February 7, 1894, Woolridge was ar raigned before Judge Scott, where he entered plea of not guilty and was remanded to jail to await trial. There he remained until Feb cuary 20, when he was again called before Judge Scott, withdrawing his plea of not guilty and entering a plea of guilty charge of forgery. As soon as this plea had been entered Scott suspended sentence until September 17, 1894, the record, which is in Scott's handwriting, reading, "Prisoner re manded to jail.'

Here however is where there is a variance between the court records and the facts in the case. There was a mittimus made out for the imprisonment of Woolridge, indicating he was in fail, while in fact he was not there but instead was enjoying his freedom. On the back of this mittimus there is an order from Scott reading that the man was discharged

from custody. As soon as Woolridge changed his plea from not guilty to guilty he left the court room, ea corted by a relative, and since that time he has never appeared to receive the sentence which was to have been imposed by Scott or September 17, 1894. The records in the office of the clerk of the district court show that Scott released the man without any bond and without even requiring him to enter into a

recognizance to appear. DEFIED THE SUPREME COURT. On February 2, 1891, Edward Hargerahelmer

forged a promissory note for \$250, signing the name of Robert Price as maker and payable to Frederick Lindhorst. On the back of this note Hargersheimer wrote the names of John Riley and Frederick Lindhorst, endorsers. Having completed the forgery Hargershelmer sold the note to an innocent purchaser. When the note matured Price, Riley and Lindhorst were notified and asked to settle. They pronounced the document a forgery and a few days later Hargershelmer was accused of the crime. On April 9, 1891, he was arrested of a warrant from the police court and the tris set for April 20. On that day, instead of standing trial, he waived examination and was held to the district court in bonds of \$1,000 conditioned that he would appear and defend The trial was had in the district court during the May term, 1891, and Hargersheimer convicted and sentenced to a term of four years in the penitentiary. A motion for a new trial was filed, argued and overruled. Soon after this the attorneys for the prisoner appealed to the supreme court, where the matter rested intil April 5, 1894, when Chief Justice Norval handed down an opinion, sustaining the judgment of the lower court. With the there was a mandate to the sheriff of Douglas county, instructing him to immediately take Hargersheimer into custody and carry into execution the sentence of the district court Following the instructions of the mandate from the supreme court Sheriff Drexel arrested Hargersheimer and locked him in the county Soon after the arrest an attorney went

upon the streets and secured a number of affidavita from people of the town tending to show that at the time of the forgery Harger-sheimer was insane. This attorney ignored the Board of I sanity, laying the whole matter before Judge Scott, who on June 18 parts upon the case, setting aside the judgment of the supreme court and finding Hargershelmer Not only did he do this, but he placed the man under bonds of \$500 to appear and

answer at the September term. When the September term opened Hargersheimer was not on hand, nor has he since been seen in this locality, as he departed as

Some time during the fall of 1894 John Mo

this man interferes again, you put him under Avoy was detected in the act of stealing chickens from a hen roost on North Nine-teenth street. The man was arrested, and on October 24 he was placed on trial before Mr. Percival-I refuse to answer that ques-lon, your honor.

October 24 no was placed on trial below Scott. While the prosecuting attorney was making his closing statement to the jury Scott left the beach and retired to his private room, remaining there until he charged the want to jury, it is alleged that while Scott was ab-jury regarding the evidence which had been

> The jury found McAvoy guilty and the court sentenced him to a term of one year in the penitentiary, notwithstanding the fact that there were affidavits submitted by J. E. Flood, Dominick Cosgrove, William Mc-Avoy, H. McAvoy, J. C. Kenilworth and J. B. Sheen, reciting the fact that Scott was beent from the court room during a por-ion of the trial. Before McAvoy was sentenced there was

a motion for a new trial, the ground being that there were irregularities caused by Scott absenting himself. He rejected all of the objections and overruled the motion by insisting that there was no truth in the affidavits

Last October Charles Conning burglarized a residence in this city, was arrested, tried in the criminal court and convicted. Some days later he was arraigned for sentence and on the way back to the county jail he made a break for liberty, but was unsuccessful. Judge Scott heard of the man's attempt

The Court—I now ask you again, what is the reason you refuse to answer that quesyears in the penitentiary, though the records show that a ten-year sentence was imposed. These same parties state that Scott changed the length of the term after he had heard of ion? Take that down, Mr. Reporter. You Conning's attempt to escape from the officer, MALIGNANT PERSECUTION.

During the summer of 1893 the conduct of some of Sheriff Bennett's deputies and jailors became a public seandal. Jail deliveries had become frequent. It was currently reported and charged that prisoners were allowed to ream about the city at will; some of them were taken to gambling houses and disrep-utable resorts by deputy sheriffs while they were serving out a sentence; that Bank Wrecker Mosher, who was then a prisoner in the Douglas county jail, entertained female friends in and out of the jail, which, in fact, had become a veritable brothel. These reports were made public through the press and were finally formulated into campaign charges against Bennett, who was a can-didate for re-election.

Some weeks after the election ex-Sheriff Bennett and the matron of the jail instituted criminal libel proceedings against Edward Rosewater, editor of The Bee. The preliminary hearing was had in the police court and continued for nearly a month. The testimony created a sensation, not only in the city, but in the whole state. The revelations were simply revolting, and the testimony brought to light the horrible condition of af-fairs in the Douglas county jail. Notwith-standing the fact that the testimony was the same in both cases, the judge discharged Mr. Rosewater on the complaint filed by Bennett and held him to the district court on the one filed by the matron, though all of the charges which had been made were substantlated by a number of witnesses. The transcript was filed in the dis-trict court and the case entered trict court and the case entered upon Judge Scott's docket, where it remained for months, he insisting that it would be disposed of when the proper time

Prior to the convening of the September term of court in 1894 there was a motion made to have the case transferred to the docket of one of the other judges, owing docket of one of the other judges, owing to the hostility which Scott had at different times expressed toward Mr. Rosewater. This proposition was met by Scott with the statement that he had made arrangements with a judge from one of the outside districts to come to Omaha and sit upon the criminal bench to hear this particular case. Mr. Rosewater made no objections to this, and there the matter rested until 'early in Oc-tober last, when Scott announced that he had set the case for trial, and ordered the county attorney to be ready with his wit-

Attorneys for Mr. Rosewater protested, but protests went for naught, Scott declaring that he would try the case, and that would be called on the morning of October 7. On the day of this announcement the ttorneys filed affidavits of several parties, the purpose being to show that Scott could not sit to hear and determine the issues ca account of the prejudice which he bore Mr.

These affidavits alleged that upon different ceasions the parties making them had heard Scott express the most vindictive hostility toward Mr. Rosewater, even making threats on his life. With these affidavits there was filed a motion for a transfer of the case to the docket of one of the other judges. out the knowledge of Mr. Rosewater or his attorneys, and without a hearing, the motion

The whole matter was then laid before the other members of the district bench, and five judges sitting, the case was transferred from the docket of Scott to the one presided over by Judge Ambrose. As soon as Scott learned of the action of his associates he entered an order setting their judgment aside, declaring it illegal and void.

In the meantime an application for a transfer of the case had been presented to the su-preme court and the order for the same had been entered of record. The next morning when Scott entered the court room he was officially notified of the action of the supreme court, and, finding himself defeated, he or-lered the county attorney to dismiss the case. George A. Bennett having stated in open court that if the hearing could not be before cott he desired it dismissed.

JUDICIAL ESPIONAGE OVER WOMEN. Last November, Attorney Patrick O. Hawes appeared before Scott for the purpose of defending William Milburn, charged with forgery. Hawes filed a motion for a coninuance, alleging that he had been informed that the case had been set for a later day. Scott informed the attorney that he could Scott informed the attorney that he could not wait, whereupon Hawes left the room. He was called back, when he informed Scott that it was impossible to practice before him without casting aside all manhood and him without casting aside all manhood and dignity. This aroused Scott's ire, and he dignity. This aroused Scott's ire, and he declared Hawes guilty of contempt, and imposed a jail sentence of ten days in the county jail. Sitting down at a table, Hawes wrote a note to his wife, telling her that he had been sent to jail. The note was handed to an attorney, after which Scott told his bailing to secure the paper and pass it up to his deak. This the bailing did, aking the letter away from the lawyer and handing it over to his master, who took it and read it from beginning to end. The same day it so happened that Mrs.

Emma Fisher was at the court house for the purpose of giving testimony relative to some estate matter. While waiting for the case to be called she was sitting in Scott's court room. Having watched the proceedings in the Hawes case, when the letter written by Hawes to his wife was read by Scott she leaned over to her husband who was sitting beside her and whispered, "That looks to me more like power than Scott's balliff went over to where man was sitting and asked her what she had said to her husband. She repeated the words and then the information was conveyed to Scott. He at once called the woman before him and asked her if she had made the remark. She informed him that she had whispered those words to her husband. At this the bailiff approached the beach and informed Scott how he had secured the in-formation against Mrs. Fisher. Scott thanked the bailiff and told him that he had acted properly in the matter, commending him for

his watchfulness. After asking Mrs. Fisher if she had any money, and upon being informed that she was a poor woman, he fined her \$10 and costs for contempt of court, the entire sum aggregating \$21.80. Scott at once made an ntry in his docket, committing the woman until the fine and costs had been paid. He ordered a mittimus and placed the woman in the custody of the sheriff, where she remained until her son reached the court house and paid the fine.

Want of space compels us to refrain from citing many other instances of Scott's out-burst of passion and frenzy, insulting to at torneys, witnesses, court officers, and his colleagues on the bench.

politics. He secured, by a trick in counting the ballots of a convention, the nomination for district attorney on the republican ticket. Judge Stacy of Anamosa was the actual nominated by the stamped on his brow 'No Recourse,' never intending that he should enter his divine presence again.' Anderson was deliked. The secured has divine presence again.' Anderson was deliked but when Mr. Pusey came up for recourt house. (the judge) lived, and he was going to live coals by Scott at the same September term of the "wasn't killed." One would think the coals by Scott at the same September term of course,' never intending that he should enter his divine presence again.' Anderson was deliked but when Mr. Pusey came up for re-Simeral-No. This gentleman is my acon as Scott ordered his release. VINDICTIVE SENTENCES. The Court-Mr. Bailiff, call the sheriff. If