

Famous Old Bench Now Part of Creighton Law School

Douglas county's old court house, that for twenty-seven years has echoed with the storm and stress of sensational legal conflicts, is being dismantled, its once fine furnishings discarded and even the hill upon which it has stood is being razed, in pretentious, literal fulfillment of the prophecy uttered by the judge who dedicated the building on May 28, 1885.

"Who shall say that I am not a prophet when I declare that this spacious building must in time give place to one more modern, one even more spacious?" said John C. Cowin in his dedicatory address when the structure, now dark with age and out-of-date, was new. Many of the members of the Douglas county bar at that time have since ceased from their labors, but many remain and the oldest of these is Eleazar Wakeley, who celebrated his 90th birthday this year.

Pleased that the new building is at last complete and gratified that the county has made material progress to warrant the construction of a million dollar court house, the members of the bar, nevertheless, look with regret on the destruction of the building in which they have won so many brilliant victories and suffered such sore defeats. For few court houses in any city have been the battleground of more bitter wrangles or the stage for more dramatic cases.

Some Thrilling Cases.

One of the most thrilling cases ever tried in the old building was that of the State against Neal. Ed Neal was charged with the wanton murder of an old man and his wife who had lived on a farm near the George L. Miller home, west of Ralston. The aged couple was found dead, all their stock, their buggies and harness and movable property had been stolen.

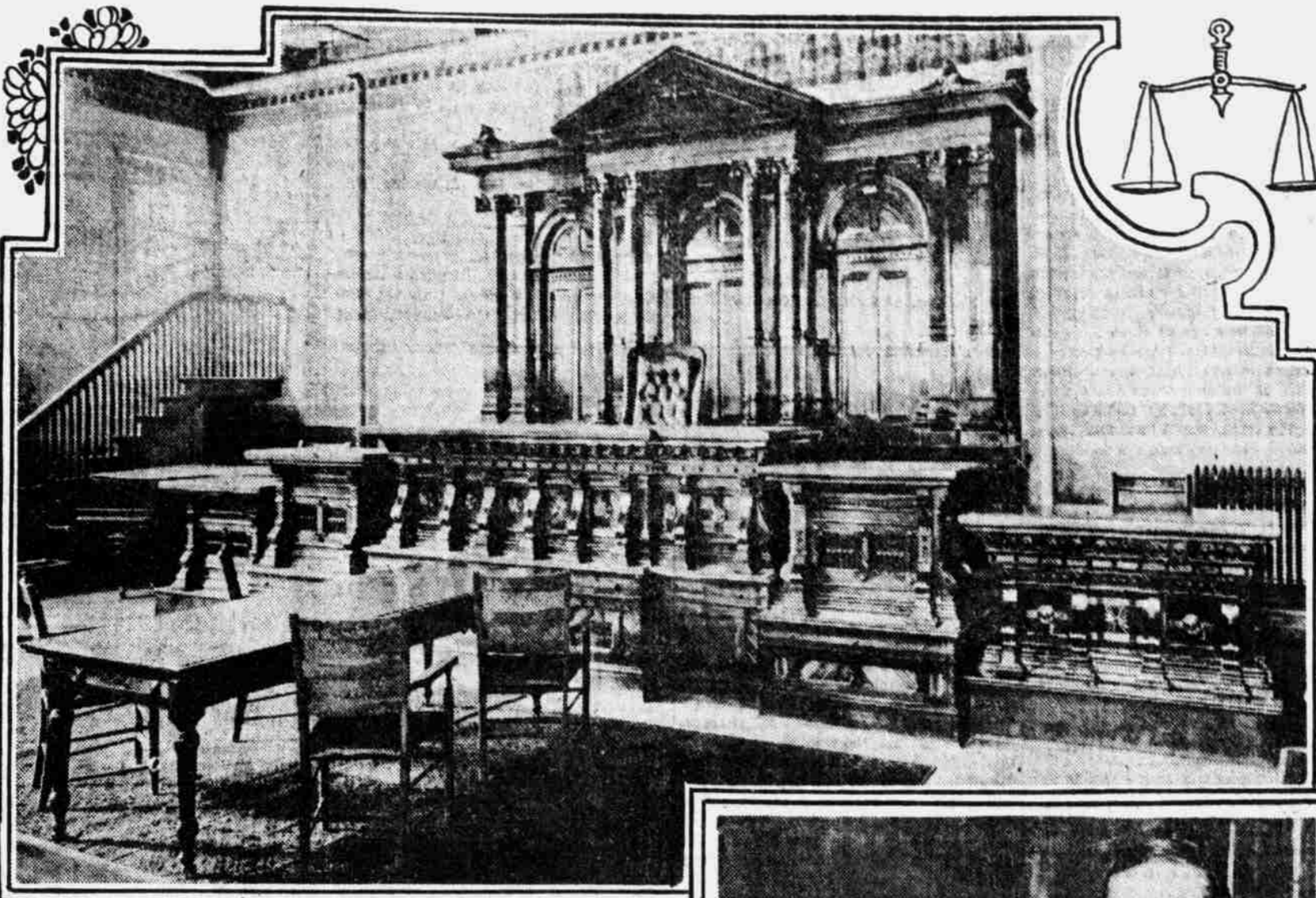
The stolen property was sold in South Omaha. Suspicion settled at once on Neal, but his arrest and conviction was based on as odd evidence as ever figured in a murder trial. The old woman had worn a quaint wedding ring since she was married at early age. This ring was found in South Omaha where Neal had sold it. The murderer was arrested in Kansas City and brought back to Omaha to stand trial.

For two weeks attorneys fought the case before the court. Public sentiment was aroused and throngs continually crowded the court room. At last the case went to the jury. After thirty hours of deliberation a verdict of guilty of murder in the first degree was returned—a verdict later confirmed by the supreme court.

During this trial a detective was put on the stand to testify in behalf of the prisoner. The prosecuting attorney, riled at what he believed to be willful misrepresentations, arose and in an angry speech rebuked the witness. As the last notes of the lawyer's speech died away, says one of the lawyers who participated in the trial, so bitter was the crowd that their breathing threat of "Hang him!" could almost be heard. Then they arose and one cheered the attorney who had lambasted the prisoner—cheered him until the court threatened to clear the room unless order was restored. It was the most remarkable demonstration ever witnessed in a court room in Douglas county.

Neal is Hanged.

Neal was hanged October 1, 1891. His body swung from a scaffold on the south-



BENCH OF FORMER COURT ROOM NO. 1, THE CRIMINAL DIVISION OF THE DOUGLAS COUNTY DISTRICT COURT, BEFORE WHICH THOUSANDS OF CULPRITS HAVE BEEN ARRAIGNED, NOW INSTALLED AS PART OF THE EQUIPMENT OF THE CREIGHTON UNIVERSITY LAW SCHOOL.

west corner of the lots the new court house has been built upon. Other criminals had met a similar fate on that identical spot, and three had died on a scaffold there within a year. One of these was a soldier and lawyers still tell of his dramatic death march. As he was led from the jail, which then stood on the same block, a woman in the jail, who had become attached to the man, began to weep and there was no other sound but the tramp of the condemned man as the officers led him to the gallows.

On the night of the day on which Neal was executed a negro was lynched at Sixteenth and Harney streets. A play was being produced in the Boyd theater and the negro was hanged to a telegraph pole near the entrance of the Boyd.

All Omaha Interested.

In the case of the state against Lauer, who was charged with the murder of his wife, all society became interested, because of the social standing of Mr. and Mrs. Lauer. The defendant was tried twice and finally acquitted. His defense asserted that he had shot his wife in the night, mistaking her for a burglar. During this trial women would begin demanding entrance to the court room at 7 o'clock in the morning, bringing their lunches, and if admitted, would sit intently interested throughout the trial.

Claude Hoover, murderer of Sam Du Bois, a brother-in-law, who had been elected to the city council in 1886, shortly before he was murdered, was executed August 7, 1886, and a man named Morgan, convicted of killing an 11-year-old girl after criminally assaulting her, was hanged from a scaffold built on the same spot. Hoover was hanged within three weeks after his conviction.

Barney McGinn shot Edward McKenna July 8, 1882, and McKenna died July 31. McGinn was tried for murder and convicted, but was granted a new trial after the supreme court had reviewed the case. An amendment to the criminal code, passed without the emergency clause went into effect August 1, and gave the jury discretion in deciding if a murderer should suffer the death penalty or life imprisonment. The court held that McKenna lived two hours longer McGinn would have been tried under the amendment.

Dedicate Old Building.

When the old courthouse was dedicated the list of speakers included such men as John C. Cowin, Eleazar Wakeley, James Neville, James W. Savage, John M. Thurston, James W. Woolworth, John I. Redick and A. C. Wakeley. Many lawyers recall the dedicatory exercises and their eyes moisten as they think of the number called since then before the Bar of Infinite Justice.

A long line of judges presided over court in this old building, the mention of whose names calls up to the older members of the bar memories of wars waged when the county was young: A. M. Ferguson, L. A. Goff, M. R. Hopewell, E. Wakeley, James Neville, George A. Doane, Frank Irvine, H. J. Daves, W. W. Keyser, C. R. Scott, Charles Ogden, W. C. Walton, Ben S. Baker, Jacob Fawcett, C. T. Dickinson, W. W. Slaughter, G. W. Ambrose, J. H. Blair, E. R. Duffie, Irvin S. Baxter, George A. Day, Guy R. C. Read, Willis G. Sears, Howard Kennedy, A. L. Sutton, A. C. Troupe, John I. Redick and Lee Estelle.

Historic Bench.

In criminal courtroom No. 1, where all these sensational murder trials were held, there was an old cherry wood bench, built at great expense and always the pride of the presiding judge. Judge Lee Estelle watched a man making this bench and several years later the same man stood before him on a charge of manslaughter and was sentenced to ten years in the penitentiary.

This old bench, which cannot be replaced now, and all the furnishings of criminal courtroom No. 1, was sold to Creighton university and is now courtroom No. 1 in the moot court of the college of law. The "atmosphere" of the original room has been retained as well as the chairs, the jury box and the railing, which have been arranged to exactly reproduce the original room.

Judge Estelle, speaking to 500 law students in the Creighton college of law, recalled the historic incidents that cluster about this furniture. He sat again on the old cherry wood bench and pointing to the jury box, before which he had stood as prosecuting attorney and pleaded for the conviction of "criminals," he made a "confession," and with all the earnestness at his command warned the students to beware lest they make the mistakes he made.

"It was my ambition," he said, "to convict every man and woman who came

before me. I even had an ambition, I am ashamed to say, to see a man condemned to death that I might stand in the shadow of the gallows.

"I actually stood before men who sat in those chairs and pleaded that a 12-year-old boy, charged with stealing a pair of shoes worth \$2.50, be sent to the reform school at Kearney. And I said to that jury, 'God made this boy a criminal!'

"Somebody ought to have hit me with a club. God is in better business than making bad boys. Society and not God makes bad boys. The jury returned the verdict: 'Guilty as charged in the manner and form—and the value of the shoes is \$2.50.'

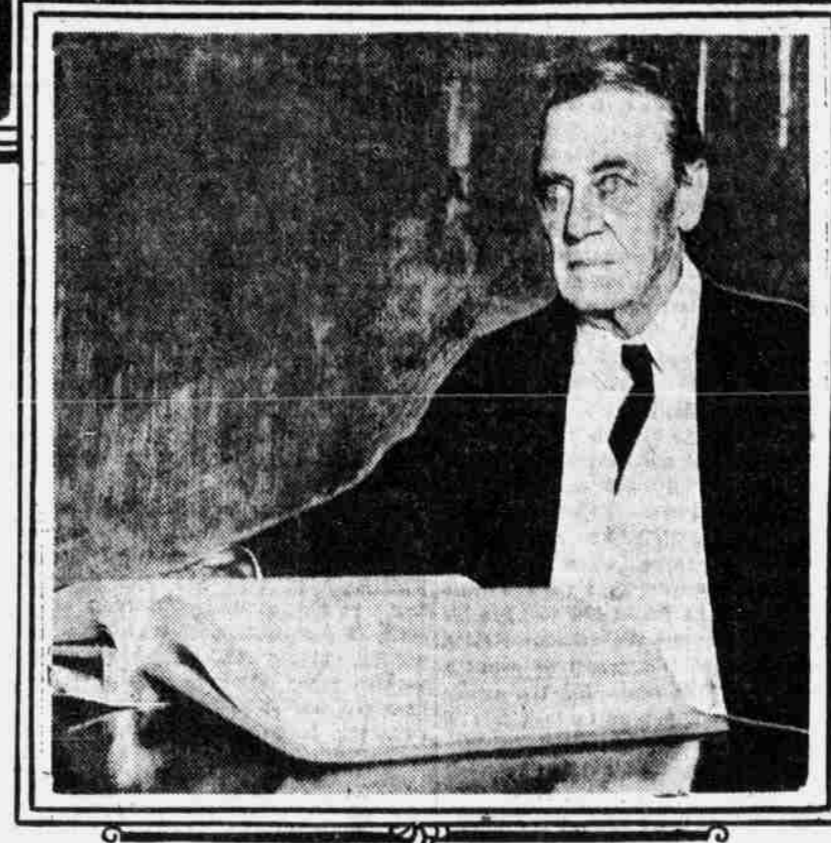
"The boy pleaded with me. He said: 'My father is as good as you are and my mother is as good as a woman as Mrs. Estelle.'

"You have got to take your medicine, young man, I interrupted. Somebody ought to have hit me with a club stuffed with feathers. It would have knocked my head off.

"I'll come back and make you ashamed of yourself," the boy told me.

"And he did.

"A few years ago I received a communication from a man in an eastern city, asking me if it was safe to go this same young man's bond for \$40,000. I



JUDGE LEE ESTELLE AS HE SAT ON THE BENCH IN COURT ROOM NO. 1 PRESIDING OVER THE CRIMINAL COURT.

told him it was.

"May you be saved from making such mistakes as that," said Judge Estelle in conclusion. And then he sat down for the last time on the cherry wood bench and posed for a picture.

This picture is one of Creighton's prize possessions, for it marks two epochs: One, the abandonment of an old court

building that cost \$50,000, for a new one that cost \$1,000,000, proof of Douglas county's growth and present prosperity; the other, the establishment of a new department in the Creighton college of law—the department of actual practice, practice in a court room filled with the memories of Douglas county's most tempestuous times.

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