DIVINES OF OTHER DAYS.

Leaders of the Episcopalians When Omaha Was on the Frontier.

THE FOUNDATION OF TRINITY.

The Bishops and Rectors Who Have Labored For the Parish Up to the Present Time —Etc., Etc.

Early Evangelists.

Church history in the pioneer days of any city or country is always fraught with interest. The annals of the magic growth and development of Omaha, the ministers who came to this wild section of country in early days to carry the gospel to the rough frontiersmen are deserving of a prominent place.

These pioneer preachers were a race of men eminently fitted for the work they had chosen. Many of them lacked the polish of the schools, but they possessed that vigorous manly Christianity that braved hardships and privation and gloried in the struggle against the encroachments of Satan and sin.

The magnificent church structures of Omaha today were built upon the foundations of their efforts and are splendid monuments to their devotion and consecrated energy.

The sketches of their service naturally comprehends the history of the churches.

The organization of Trinity parish may be said to date from the earliest settlement of this country by white people, following shortly upon the extinguishment of the Indian title and the organization of the territory of Nebraska.

Sunday did not cross the river until the year 1855, when the Rev. Reuben Gaylord, a congregational minister from Iowa came over the river and brought Sunday with him.

It was in May 1856 that the missionary referred to organized the First Congregational church with nine members. In the summer of the same year Bishop Kemper of Wisconsin, missionary bishop of the northwest, visited Omaha in company with Bishop Lee of Iowa, and these two held a missionary service in the old territorial capitol building, on Ninth street, on Sunday, July 13. Bishop Lee preached in the morning and Bishop Kemper in the afternoon. The congregations attending these services were very large, considering the population, and the result of these services was the organization of Trinity parish.

From this germ grew the tree whose branches, under the influence of Bishops Talbot, Clarkson and Worthington, are now casting strong shades over a great state. Rev. George W. Watson became the first rector. The parish had many trials, and its condition at times became desperate, which is shown in a circular issued in 1859, being an appeal for assistance to churchmen in the east.

The responses to this circular were satisfactory, as the parish in the summer of the same year succeeded in erecting its first church, which still stands at the corner of Farnam and Ninth streets. It was built upon leased ground, which, with the brick for the building, was donated by the Hon. Jesse Lowe, the first mayor of the city.

Rev. G. W. Watson had charge of the church until July, 1860. He had also had charge of the church in Council Bluffs and held services in each place on alternate Sundays. He was succeeded by the Rev. John West. The Rev. O. C. Duke had charge of the parish from June, 1862, until January, 1864, although not regularly called as rector, but acting for Bishop Talbot in a missionary capacity. In February, 1864, the vestry voted to relieve the bishop of its charge upon the mission fund and to make the parish self-supporting by calling as the first regular rector the Rev. W. H. VanAntwerp of Oneida, N. Y., who accepted the call and arrived in Omaha April 16, 1864, and held his first service the following Sunday, April 17, 1864. At the time of the arrival of Mr. Van Antwerp the parish owned no property, and a building was rented for the residence of the rector. In April, 1865, a house and lot on Dodge street, between Thirteenth and Fourteenth, was purchased and became the first rectory. It contained two rooms and a shed kitchen. In 1866 the rectory building was sold and the lots purchased upon which the cathedral now stands; a small residence upon the eastern portion of the lots being made to answer as a rectory, which it so continued until the building of the present cathedral necessitated its removal. The termination of the lease of the grounds upon which the chapel stood being near at hand, a movement was commenced for the erection of a church upon the newly acquired grounds. This building was erected at a cost of about $15,000 and was occupied in the fall or winter of 1867. Shortly after its occupancy Mr. Van Antwerp resigned. It was during this gentleman's time that Bishop Clarkson made his first appearance in the parish and diocese. His predecessor, the Rev. Joseph C. Talbot, D.D., was consecrated bishop of the northwestern missionary jurisdiction February 15, 1860, which term then included with Nebraska all the territories west and north. But only a small portion of Nebraska and Dakota reached by steamers upon the Missouri was easily accessible; other portions of the jurisdiction could only be reached by long and often perilous stage and wagon journeys of many miles over what was then known as the "great plains." Bishop Talbot established his residence at Nebraska City, which was a thriving rival of Omaha, with some points for superiority for trade purposes and with a population equally as large.

In 1865 Bishop Talbot resigned to accept the assistant bishopric of Indiana and the Rev. Robert Harper Clarkson, D.D., of St. James church, Chicago, was elected to succeed him and was consecrated bishop November 15, 1865.

He made his first visit to Omaha and Nebraska and preached his first sermon in the Tenth Street chapel on Advent Sunday, December 3, 1865.

The bishop seemed at once to settle down to the church as his own and the attraction was mutual. He anchored himself at once in the hearts of the congregation with a fervor which time did not destroy. A formal agreement was entered into with the vestry after Mr. Van Antwerp's resignation in which he constituted the church as his cathedral, and under this arrangement, the bishop had the nominating of a rector, subject to the adoption of the vestry.

In September, 1872, the diocesan council by formal enactment, constituted Trinity church, the cathedral of the diocese, practically upon the terms and conditions contained in the agreement with Bishop Clarkson.

The Rev. George C. Betts was nominated rector by the bishop and elected by the vestry, but served only a short time, being succeeded by the Rev. John G. Gasmann who continued until 1872.

On November 10, 1869, the beautiful new church was destroyed by fire after an occupancy of less than two years. A temporary building was at once erected which served the congregation until the completion of the present splendid edifice.

Mr. Gasmann resigned in 1872 and the Rev. Alexander C. Garrett was nominated and elected in his place. This talented man was not allowed to remain long in this field in which he served with wonderful success. In 1874 he was elected missionary bishop of northern Texas and was consecrated in the temporary cathedral December 20, 1874.

The Rev. John D. Easter was next elected, but served only about one year.

The Rev. F. R. Millspaugh was elected after him and duly installed dean of the cathedral with impressive services on October 5, 1876. He served until February, 1886, by far the longest period of any rector in the parish and his work and services are still felt and appreciated by the congregation.

The death of Bishop Clarkson occurred in March, 1885, and his funeral services were the most impressive ever seen in Omaha. He was buried in the ground of his beloved cathedral and his tomb is immediately outside of the wall of the south transept.

Rev. George Worthington, D. D., of St. John's church, Detroit, Mich., was next elected bishop and was duly consecrated.

The Rev. C. H. Gardner of Utica, N. Y., was nominated and elected dean to succeed Mr. Millspaugh and entered upon his duties in November, 1886.

In 1886 the present handsome deanery was erected at a cost of about $10,000 and with the cathedral and grounds the property would be rated in value at not less than $150,000.

Vestrymen Then and Now.

In 1856, when Trinity parish was organized, the following vestry was chosen:

Samuel Moffatt, senior warden; C. W. Hamilton, junior warden; Thomas B. Cuming, A. T. Salisbury, A. J. Hanscom and James Seeley, vestrymen.

Mr. Moffatt, the senior warden, was president of the Western exchange fire and marine insurance company, the leading bank of that day, the cashier of which was the Hon. A. U. Wyman, late treasurer of the United States and now vice president of the Omaha national bank. Mr. Hamilton, the junior warden and who subsequently became senior warden, is now president of the United States national bank.

Mr. Hanscom was one of the leading spirits of the day in all public affairs, and is still one of our leading citizens and faithful in his allegiance to the parish.

Hon. T. B. Cuming was the acting governor of the territory.

The present vestry is as follows: Henry W. Yates, senior warden; Judge E. Wakely, junior warden; Judge George W. Doane, Dr. James H. Peabody, Mr. S. D. Harkalow, Mr. William L. Adams, Mr. B. B. Gould, Mr. Guy C. Barton and Mr. Fred H. Davis, vestrymen. Of the above Mr. Yates and Judge Doane have served in the vestry since 1869, and Judge Wakely almost as long.

Farewell to their Superintendent.

Mr. J. O. Staples of this city, has left for Chicago, where he will make his future home. Mr. Staples was recently elected secretary of the Calumet Canning company of Chicago and now enters upon the duties of his office. While a resident of this city he has made many warm friends who will miss him, but all join in wishing him success in his new field. Last Friday night the members of the First Baptist church tendered him a farewell reception, in their church parlors. About two hundred of the members turned out to pay their respects to him who, for several years, had filled a number of the offices, during the past three years, among them being the offices of clerk, trustee, chairman of executive committee, deacon, Sunday school teacher and Sunday school superintendent.

Newman Methodist Church.

Everybody who wants to learn to sing by note is invited to join the Newman M. E. church convention. An excellent leader has been engaged. After a few weeks of drill and study a grand convention will be given.

Sacrament will be administered this morning to church and new communicants.

During the week improvements have been made of a material nature. A new altar and rail have been put in and other work done.

There will be meetings every evening the week, the following members leading: Monday, L. O. Jones; Tuesday, G. M. Haskell; Wednesday, J. M. Gillen; Thursday, Robert Wilson, jr., Friday, P. Whiting; Saturday, T. Jenkins. The meetings are of great interest. The different leaders introduce interesting varieties of thought. Persons are joining the church at every meeting.

CHURCH NOTICES.

Rev. John Lins from Dayton, Ia., will preach at the Swedish M. E. church today and take active part in the revival meetings during the week.

Rev. William B. Callis of Chicago, who aided Mr. Moody in his meetings in England and Scotland, has arrived. He is accompanied by the noted singer, Mr. Sargent. They will begin revival service in the First Baptist church tomorrow.

At the First Presbyterian church the pastor, Rev. W. J. Harsha D.D., will preach both morning and evening. In the evening he will, by request, deliver a special sermon to the young ladies and gentlemen attending the Omaha commercial college who will be present in a body.

Trinity cathedral, Capitol avenue and Eighteenth street. Very Rev. C. H. Gardner, dean. Holy communion, 8 a. m. Morning prayer, litany and sermon, 10 a. m.; Sunday school, 3:15 p. m.; children's service, 3:45 p. m.; evening prayer and sermon, 7:30 p. m. Dean Gardner will preach morning and evening.

The Theosophical society meets today at 4 p. m., room 205, Sheely block. Inquirers invited. Reading room open Wednesday and Saturday evenings with a select library of theosophical and occult books.

People's church, Boyd's opera house. Preaching by the pastor, Rev. C. W. Savidge at 10:45 a. m., "How God Helped Me Find My Cow," and at 7:30 p. m., "Is There a Hell?" Franklin S. Smith will lead the singing. Sabbath school 3 o'clock. Thirteenth and Dodge, John A. Gillespie, superintendent. Society of Christian Endeavor will meet Monday evening at 7:30.

At the Southwestern Lutheran church, Twenty-sixth street, between Poppleton and Woolworth avenues, Rev. Luther M. Kuhns will preach at 11 a. m. on "A Suffering Saviour, The Sinner's Salvation,' and at 7:30 p. m. on "Evil Turned Into Good."

First Baptist church, strangers' Sabbath home, corner of Fifteenth and Davenport streets. Preaching at 10:30 a. m. and 7:30 p. m. A. W. Lamar, pastor. Evangelistic services both morning and evening, conducted by Mr. William B. Callis, aided by Mr. Sargent. Sabbath school at 12 m. All are cordially invited. Seats free. Revival service every night this week, conducted by Messrs. Cullis and Bryant.

At the First United Presbyterian church Rev. W. P. McNary, D. D., of Tarkio, Mo., will preach in the morning on "The Banqueting House," and in the evening on "The Beauty of God Imparted to Men." Communion after the morning service.

At Kountze Memorial Evangelical Lutheran, corner of Sixteenth and Harney stacets. The morning subject will be "Jesus Twelve Years Old." Evening subject, "What Profit in Prayer?"

"Pentecostal Results" and a "Mistake of Moses" will be the subjects treated in the First M. E. church by Rev. P. S. Merrill tomorrow. The church is at Seventeenth and Davenport streets; 10:30 and 7:30 are the hours of service; revival meetings nightly, except Tuesday. Old fashioned Methodist invitation and welcome extended to all.

Rev. L. T. Van Cleave will preach at Cynthia Christian church, Walnut Hill, morning and evening. Themes, "Church Existence," and "How Shall I Enter the Everlasting Kingdom." Y. P. S. C. E. at 6:45 p. m. Prayer meeting at 7:30 p. m. Thursday. All are welcome.

Welsh Presbyterian, Saunders streets near Cuming. Preaching at 10 a. m. and 7:30 p. m. by Rev. Richard Hughes of California, Ia. Sunday school after morning services.

Rev. Willard Scott will preach in the St. Mary's Avenue Congregational church both morning and evening at 10:30 and 7:30 o'clock. In the morning members will be publicly received, and the pastor will speak on "Looking Backward at the Week of Prayer." In the evening the lecture will be to Christain young people on "Samson Under the Razor; or the Things Which Clip Our Strength."

At the Seward Street M. E. church, Rev. H. A. Crane, pastor, will preach in the morning on "The Joy of Salvation," and in the evening on "Repentance." Special revival services continued through next week. All seats free. All people welcome.

Preaching at the Central United Presbyterian church, on Seventeenth street between Capitol avenue and Dodge street, morning and evening. At 10:30 a. m., subject, "A Strong Confidence." At 7:30 p. m., subject, "Young Converts." The sacrament of the Lord's supper will be administered at at the close of the morning service. Sabbath school at 12 m. and young people's meeting at 6:30 p. m.

Church of the Good Shepherd, Episcopal, Nineteenth and Lake streets—Rev. J. P. D. Lloyd, rector. Holy communion Sunday 8 a. m.; services and sermon Sunday 11 a. m., and 7:30 p. m.; Sabbath school at 10 a. m., and bible classes for young men and ladies same hour. All persons are most cordially invited to these services. Seats free.

Rev. N. M. Mann will preach this morning at Unity church, Seventeenth street near Cass. Subject, "Hades." This evening at 8 o'clock Mr. Mann will lecture on "Our Changed Idea of Time."

The gospel services at Castellar Street Presbyterian church, Sixteenth and Castellar streets, will be continued another week.

It is said that Canon Farrar will make another visit to this country next spring at the invitation of friends.

NEBRASKA'S SEAL STOLEN.

An Exciting Incident in the State's Political History.

THE NOTORIOUS TENNANT CASE.

An Almost Forgotten Occasion When the People of Nebraska Anticipated Bloodshed—A Western Coup d'Etat.

The Tenant Case.

LINCOLN, Neb., Jan. 10—[Special to THE BEE.]—"In speaking of early Nebraska politics," said the Hon. Ed P. Roggen yesterday, "you will doubtless find the most exciting incident in the history of the state to be the celebrated Tenant Case, which occupied the attention of the people generally and of the legislature and supreme court particularly during a portion of the month of February, 1872. Look that up if you want something interesting in the way of Nebraska history."

The suggestion was taken and the following summary of the case is presented:

Governor David Butler had been impeached and removed from office. Under the constitution then existing, the secretary of state, W. H. James, became acting governor. Isaac S. Hascall, a senator from Douglas county, had been, at an adjourned session, elected president of the senate and was therefore next in the line of succession. In the early part of February, 1872, Acting Governor James left for Washington to attend to some business for the state. It is said that J. H. Noteware accompanied him as far as Galesburg or Bloomington, Ill., to be sure that he was well on the way to his destination. When Hascall learned of this fact, he came to Lincoln and obtained possession of the great seal from Governor James' private secretary long enough to get its impress to a paper, which afterwards proved to be an executive proclamation convening the legislature in extra session.

Mr. Hascall desired the governor's private secretary to record this document in the book of proclamations, which he refused to do, when Hascall concluded that heroic measures were necessary, and undertook the work of recording himself. Just for a joke, some one handed him out a bottle of French copying ink, which never would dry for a couple of days or more unless run through the copying press, and the celebrated proclamation was recorded with this gummy fluid. Of course when the pages were closed, they stuck together the same as if so much molasses had been spread over the book, and it was some years before they could be opened. Now they resemble a war map of Europe, more than the record of an executive proclamation.

This proclamation was published in the state papers and was served on the members and senators and had the effect of bringing the legislative body together. The following is a copy of the celebrated document:

PROCLAMATION FOR CONVENING THE LEGISLATURE.

In accordance with the provisions of the constitution of the state of Nebraska, and by virtue of the authority vested in the governor to convene the legislature by proclamation on extraordinary occasions, and as the occasion contemplated by the constitution now exists, it being necessary now to have immediate legislation to encourage and promote immigration, to improve the finances of the state, and for other purposes that more fully appear in the subjects of legislation hereinafter contained, I, Isaac S. Hascall, president of the senate and acting governor of the state of Nebraska—a vacancy existing in the office of governor, and the secretary of state being absent from the state—do hereby convene the legislature and call upon the members thereof to meet at the capitol, in the city of Lincoln, on Thursday, the fifteenth day of February, A. D., 1872, at 3 o'clock p. m., for the purpose of taking action upon the following subjects of legislation:

1. The encouragement of immigration and the appropriation of money for that purpose.
2. The issuance of $50,000 in state bonds, the sale and disposition of the same; the funding of the state indebtedness, and the improvement of the finances of the state.
4. The investigation of the official standing of any state officer, and if deemed expedient the impeachment of such officer for any misdemeanor in office.
5. The common schools of the state and the amendment or repeal of any laws relating thereto, or to the funds for the support of the same.
6. The amendment of any law relating to cities and towns.
7. The defining of the boundaries of counties in the unorganized territory of this state, and providing for the organization of the same.
8. The appropriation of any money that may be deemed necessary for the welfare of the state.
9. To provide for the better securing and safe keeping of state prisoners.
10. To provide for increasing the jurisdiction of the probate judges in civil cases.
11. The correction and approval of the journals of the last regular session of the legislature.

In witness whereof I have hereunto set my hand and affixed the great seal of the state of Nebraska, this eighth day of February, A. D., 1872. ISAAC S. HASCALL,
Acting Governor of the State of Nebraska.

As soon as Acting Governor James was advised of this proceeding he hastened home from Washington, and on his arrival issued a proclamation revoking, annulling and rescinding the Hascall proclamation and requesting the members not to meet in pursuance of said call. The revoking proclamation was issued on February 13, just two days prior to the day set for the meeting of the special session. This proclamation had been mainly written out on business cards and scraps of paper on his way home, and the separate items were handed to different clerks to copy on his arrival, so that there was no delay in getting the document before the people. In it he declared Hascall's action null and void; that no extraordinary occasion had arisen; that the state was not threatened with foreign aggressions, depredations nor direct hostilities; nor had occasions arisen rendering extraordinary action necessary to overcome unexpected calamities, etc., etc. He further declared that his absence from the state was only temporary and was not of that character contemplated by the constitution which provides for a succession.

Notwithstanding the issuance of this revoking proclamation, several members assembled. When the 15th day of February arrived these proceeded in a body to the state house, where they were met by the assistant secretary of state and others, with revolvers in hand, and were denied admission. The doors were barricaded, but the little guard was overpowered, the doors forced open and both houses were taken possession of by members of the respective bodies. The house had responded with a constitutional quorum, but the senate lacked several of having that number. Forty special sergeants-at-arms were appointed to bring in the absentees, most of whom were hiding in the city. Excitement ran high and bloodshed seemed imminent. Everything was chaos, and the air was full of all kinds of rumors. People were ready to believe anything, and they had plenty of chances of exercising their powers in this particular line. Schemes for advancing the glory and renown of the state were promulgated by everyone, and were thicker than the celebrated railroad lobby of 1887.

Finally Senator Tenant was arrested by one of the sergeants-at-arms, named Parker, who brought him before the bar of the senate. Senator Tenant sued out a writ of habeas corpus from the supreme court, and the case came on for hearing. The court was then composed of the Hon. O. P. Mason, chief justice; Hon. George B. Lake and Hon. Lorenzo Crounse, associate justices. This course was taken mainly to test the legality of the body styling itself the legislature of the state of Nebraska. The town was full of people from all parts of the state, and all breathlessly watched every step of the proceedings and hung tenaciously to every utterance of the court or the attorneys engaged in the case.

At the hearing of the case in the supreme court, Senator Tenant was represented by M. H. Sessions and Judge Wakely, who contended that Hascall had never entered upon the duties of the office of governor and had only attempted to do one executive act and that was to issue this proclamation. Judge Wakely said, "Hascall glided into the executive office with the stealth of an Indian, clandestinely affixed the seal to his prepared document, and vanished like an apparition." It was contended further that even if the convening proclamation had been legally issued that it could and had been legally revoked.

The arguments of Messrs. E. E. Brown, Seth Robinson and Isaac Hascall, who represented the defendant, have not been preserved.

The majority of the court sustained the writ and released Tenant from custody which, of course, acted as a dissolution of the legislative body, and there was a general all around scramble to make the one train in order to get home. Those who saw this wild retreat can never forget it, and to those who did not see it words fail to give any idea of its confusion.

Many prominent citizens were indicted and bad feeling was engendered that took months to eradicate. Finally, however, the passions cooled off and all indictments were withdrawn.

In delivering the opinion of the court Justice Crounse said: "Whether the first proclamation was legally issued, and of any validity, the court will not at this time stop to inquire. The governor is constituted the sole judge of the necessity for calling the legislature, and he must also be the sole judge as to when such necessity has passed away. The several proclamations are but the expressions or announcements of the different conditions of affairs at those different times and are binding on the legislature. They may be treated as issued by one and the same person. The court is dealing with the office of governor, which is continuous rather than the individual."

Justice Lake also delivered an opinion, agreeing with the conclusions arrived at by Justice Crounse, and saying: "I am clearly of the opinion that the legislature is not now in legal session and has no authority to compel the attendance of absent members; that all and every act done at this time as a legislative body is without the shadow of authority and absolutely void, and that, therefore, the relator should be released from custody."

Chief Justice Mason at that time was in the height and power of a vigorous manhood. He had a magnificent head of raven black hair which persistently refused to lie down, but stood out bushy like that of an Albino. When he was visibly affected, and had something to say that came from his heart, he rested his chin on his breast, shook his shaggy mane, and roared out his edicts like the lion that he was. There is no denying that on this occasion the chief justice was deeply affected by events that were passing into history, or that he spoke from his heart when he vigorously dissented from the opinion of the majority of the court. He began by saying:

"The idea of judicially declaring a coordinate department of the government, an illegal body, and any acts which it may do, null and void, is so novel and startling as to arrest attention and demand a careful examination. The suggestion that the judiciary can declare the legislature illegally assembled, and a body without authority, rests upon the assumed right of this department to pass upon the legal existence of a coordinate branch of the government, and if true is dangerous to civil liberty. If this can be done, and the judicial power of the state declare the legislative department illegal and proceed to destroy and annihilate it, the next day upon some pretext the executive department may be made to share the same fate, and thus the judicial power will be made to sap and undermine the constitution, and destroy the liberties of the people. The three departments of state are not merely equal, they are exclusive in respect to the duties assigned to each. * * * In the case at bar, it is sufficient that the legislature had met in response to a call of a de facto governor and had organized as the legislature, and was acting as such, and that Tenant, the relator, was a member of the senate, and was adjudged by the senate as guilty of contempt. That senate could alone deal with him for such contempt. To sustain this writ and discharge the applicant would be a direct attack upon the independence of the legislature, and a usurpation of power subversive of the constitution. * * * The decision of the majority of the court cuts loose from the safe moorings of the law and time-honored custom, and without compass, chart, mast or rudder to guide its course, enters upon a pratical and unwarranted cruise against the legislative department of this state."

In speaking of the proclamation issued by Hascall, Chief Justice Mason said:

"What is it that convenes the legislature? It is the proclamation which is vitalized by the potent energies of the law the moment it is issued. It takes effect at once. It is a law unto the members and they must yield obedience to its authority. The executive power cannot revoke laws, whether operating upon all the people, the members of the legislature or the judiciary."

Again the chief justice continued:

"Who ought to bear the loss of time and expense incurred by the members who attended this extra session? The constitution gave the governor the power to convene the legislature. He did so. They obeyed his command, convened at the capitol, and are now told that they are an illegal body, without existence, and are left to pay their own expenses and bear their loss of time. They are denied the common right to all animate beings—that of their own existence—and by a majority of this court declared dead—slain by revocation. * * * Courts should yield to no clamor and shrink from no responsibility."

He concluded: "They are a legislative assembly de facto and dejure, and the relator ought to be remanded to the custody of the sergeant-at-arms of the senate, subject to the action of that body."

Excitement ran high, not only in this city but in all parts of the state. A special announcing the decision of a majority of the court was sent to THE BEE, which issued a thumb paper extra as follows:

LINCOLN, Neb., Feb. 22, 1872.—[Special to THE BEE.]—Lake and Crounse decided against the legislature. Chief Justice Mason dissenting, declared in the court that the order of the majority was an assault on the liberties of the people and a direct and unwarrantable assault upon a co-ordinate branch of the government. His opinion will be written in full in a few days. The decision is regarded among legal men as a political trick.

Such is the happy condition, however, of the people of an American state, that in a short time the excitement had cooled down and each citizen resumed his regular vocation in life, and, at this time, only eighteen years since, the incident is practically forgotten and may be regarded as a bit of ancient history.

SUNNY SIDE OF JUSTICE.

It Makes Everybody Laugh Except the Bandaged Deity.

FISTICUFFS IN THE FORUM.

Ludicrous Episodes in Which Many of Omaha's Lawyers of Other Days Appeared in the Court Room.

Legal Laughter.

THE blindfolded goddess who presides over Omaha's temples of justice has a very dignified bearing, dignified almost to sternness and calculated, no doubt, to share with her impartiality in being indicative of the character of the proceedings in her domain. If it be true, as it has often been intimated, that the blindfold frequently saves the impartial female divinity from beholding the crimes that are committed in the name of justice, it is also equally probable that the hoodwink has saved her from having her risibilities stirred by the amusing incidents that have occured in her temples.

The veteran lawyers of Omaha, when in a reminiscent mood, have a fund of anecdotes concerning the peculiar and amusing happenings in the courts of the early days in this city. Some of the episodes are ludicrous, some almost tragic, but all of them are interesting, especially those touching upon the foibles and frailties of the men who are now prominent, and have a bearing that would indicate that they had never indulged in anything so undignified as anger, sharp practice or levity.

One of the favorite stories of these narrators is the trouble that occurred some fifteen years ago between Judge Wakeley, now on the district court bench, and Hon. John I. Redick, both of whom were practitioners at the bar. Judge Lake was then on the district bench and Wakeley and Redick were engaged on opposite sides in the trial of a case before him. Both gentlemen, in those days, were quick-tempered and irascible, and had became unduly excited in the case before them, and were indulging in rather bitter personalities. Finally, Mr. Redick, in his address to the jury, made some especially cutting allusion to Mr. Wakeley, who immediately sprang to his his feet and demanded a retraction. This Mr. Redick refused to give, and Mr. Wakeley decided to resort to a fisticuff resentiment of what he deemed an insult. He sprang at Mr. Redick and grasped him by the collar. Mr. Redick was holding a copy of the Nebraska statutes in his hand, and he retaliated by bringing this down upon the head of the future patriarch of the district bench. The belligerents were separated by a bailiff, and Judge Lake fined each of them $25 for contempt of court. Each wrote a check for the amount of his fine. Mr. Wakeley completed his first, and then, in a very patronizing manner said to Mr. Redick: "John, I'll endorse that for you so the judge will accept it if you want me to."

As Mr. Wakely was a poor man then, while Mr. Redick was reputed to be rated at a quarter of a million, the humor of the remark was irresistable and caused a general laugh in which the court joined. All bitterness was forgotten and the belligerent lawyers in the case, both of whom are now aged and honored, are the warmest of personal friends.

Mr. Redick figures in another good story, of a later date, in which he expressed in very vigorous terms his opinion that the judicial institution presided over by a justice of the peace was not a court and that a justice was not a judge, but a 'squire.

Young Charles Redick, who inherited a good share of his father's temper as well as brilliancy had thrown a law book at the head of Justice Wright before whom he was trying a case and had been sentenced to thirty days in the county jail for contempt of court. After he had been in jail a few days, his father, J. I. Redick, commenced habeas corpus proceedings before Judge Savage. Mr. Redick held that a mere 'squire could not commit a man to jail for contempt. He made a scathing speech, and wound up by the statement: "I have been contempted in the county court, in the district court, in the United States court, and in the supreme court, and I don't propose to have such a record climaxed by being contempted by a —— ordinary 'squire." His motion was granted and his son released.

County Judge Shields tells a good one on Attorney Edward Simeral. It happened fourteen years ago, when Shields and Simeral were new in the legal field. Simeral was very bashful in those days—but he hasn't been for a long time now—and always exhibited a great deal of hesitancy in addressing a court or jury. Simeral and Shields were attorneys for the defendant in a case before Judge Weise in which General Manderson appeared for the plaintiff. Judge Weiss had a habit in the trial of a case, of exclaiming "Dot's conceded" whenever a non-contested point was mentioned by an attorney. When the evidence in this case was in General Manderson made a very brilliant and eloquent address to the jury.

Mr. Simeral was greatly embarrassed when he arose to reply. "May it please your honor," he began, "I will not attempt, I am not able to make as eloquent a speech as General Manderson, I——"

"Dot's conceded, Mr. Simeral, goon," interrupted Judge Weiss, completing the young attorney's discomfiture. The jury returned a verdict against Mr. Simeral's client who maintains, until to-day, that it was Judge Weiss' speech and not General Manderson's that decided the case against him.

Many cases are told of General Strickland, one of the best known of the old Omaha lawyers. He was a fighter and had no mercy for an opponent in a case.

One time, he was defending a man who had been arrested for beating his board bill at the Grand Central hotel. Mr. George Thrall, the proprietor of the hotel, conducted his own prosecution. He was fearfully excoriated by General Strickland during the trial of the case. The jury returned a verdict for the defendant and General Strickland thanked them, capping his abuse of Mr. Thrall with a highly witty and sarcastic climax. "I thank you, gentlemen of the jury," he said, "The prosecution made a strong effort. If Mr. Thrall had begun life as a lawyer he would have been much more successful than he has as a landlord. The only difficulty with him in this case was that he had a d——n fool for a client."

Judge C. A. Baldwin is one of the veteran members of the bar who has has had his share in the amusing incidents in the various courts of the city. He has a record of having won at least two cases by a little indulgence in sharp practice. One of his clients, a few years ago was a woman who was charged in the United States court with having sold liquor without a license. She was arraigned before Judge Dundy and, at Mr. Baldwin's suggestion, pleaded guilty. The judge told her to appear for sentence at 2 o'clock. When the court convened in the afternoon the woman occupied a front seat, and with her, three on each side, were six of the most wretched looking, half starved, dirty and ragged children that were ever seen in one group outside an orphan's home. Judge Dundy's heart was touched. "I can not send you to prison," he said to the woman, "nor can I fine you the full amount allowed by the law, for I see that by so doing, however guilty you may be, I would be taking the bread from the mouths of these children, who look as if they needed it." The judge assessed a fine of $25, the lowest allowed by the law, and the woman paid it and was out of the court room before one of the attendants, who had discovered the ruse, could explain to Judge Dundy that the children did not belong to the defendant, that she was in fact an old maid. They had answered every purpose, however, having elicited the judge's mercy and kept a woman out of jail.

At another time, one of Judge Baldwin's clients profited by a piece of his attorney's shrewdness practiced upon Judge Neville, then United States district attorney. Judge Dundy had frequently complained of Mr. Neville for his not having his cases ready for trial. At the beginning of one term, Mr. Neville boasted to Mr. Baldwin that he was all ready for court and showed him three packages of indictments, one bunch to be tried, one continued and a third to be dismissed. Judge Baldwin was defending a man charged with selling tobacco without a license and a hasty glance at the packages showed his case among those called for trial. A little legerdemain was practiced and, when Judge Baldwin's client was called the indictment against him was found in the district attorney's package marked for dismissal and was so disposed of. Mr. Neville discovered the mistake in the afternoon and tried to have the case reinstated, but Judge Baldwin expressed great regret that his client, supposing the matter finally disposed of, had gone to Chicago on the noon train. The dismissal order stood.

An adjournment story will form a proper close for such sketches. The joke is on Louis Grebe, the bailiff of the criminal court. Soon after Louis assumed his position several years ago it devolved upon him, in the absence of the sheriff, to adjourn court one afternoon. He did it like this: "Hear ye! Hear ye! The honorable district court in and for Douglas county is now adjourned sine die until tomorrow morning at 9½ o'clock."

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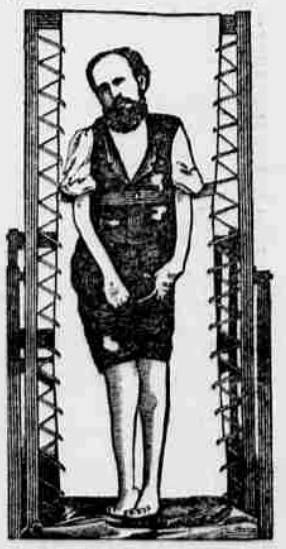

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For the Coming Week at the Eden-Musee President Lawler has secured the Most Remarkable Freak which has ever been introduced to the American Public. This is Jonathan Bass, known to fame as the Living Ossified Man. Thirty years this Strange Creature has been Living, and yet Dead. He is perfectly able to talk intelligently upon any subject, and has been pronounced by medical authorities the Most Remarkable Creature of their experience. Bass is a Peculiar Person. He claims to enjoy life thoroughly. He can Talk and Eat and Stand Up, yet he cannot See, nor can he Run or Walk or Sit UP. Truly, Bass is Nature's Most Mysterious Whim, and His Like is not on Earth. This Remarkable Man will be at the Eden-Musee for One Week. He will Prove the Sensation of the Day to all that see him. Of him the International Journal of Surgery says: "The Sensational Advertisements which imply that all of Bass' Muscles, Tendens and Joints have been converted into Solid Bone, and that he is incapable of any motion whatever; being, as it were, a Prisoner in his Own Ossified Frame, is in truth the existing conditions. He is the Most Remarkable Freak of the Age."

In addition to this all of the Seven Mammoth Departments will Present Good Attractions.

JENNIE CARROLL,

the Famous Male Impersonator. Ben Burns, the Popular Banjoistic Comedian, Morton & Slater, Comedy Acts, Fred Barth, Legmanistic Comedian. John Traynor, Clogs, and two companies in two theaters, will be other Features. In spite of the Additional Attractions ONE DIME will Admit to All.

Curio Parlor—Nature's Greatest Paradox, the Living Ossified Man, Jonathan Bass. Can't Walk, Can't Run, Can't Sit Up, Can't Move, Can't See, but Can Talk, Can Stand Up, Can Eat; Claims to Enjoy Life.

Sensation Week—Nature's Most Mysterious Whim. His Like is not on Earth. A Dead Man for 30 Years, and yet, Alive and Able and Willing to Talk to You on any Subject.

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Bijou Theater—Ben Burns, Banjoistic Comedian, in a Budget of New Songs. Jennie Carroll, Male Impersonator. Morton & Slater's Comedy Act Entitled, "Simplicity," Songs, Dances and Funny Situations. Fred Barth, Legmanistic Comedian. John Traynor, Pedestel Clog Dances—Dances Clogs on Marble Pedestels 14 inches square. Clever Carroll and His Family of Wooden-Headed Comidians. Gilmore & Morton, the California Celebrities, Introducing, "Irish Elevation." Del—Fuegos—Alice, "Scraps." The Greatest Show Ever Offered the Public for ONE LITTLE DIME.

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