

Tribute to the Late Justice Miller by the Douglas County Bar.

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THE TEXT OF THE MEMORIAM.

Addresses by Judges Woolworth Baldwin and Doane-The Anti-Prohibition Celebration Postponed -Other Local News.

There was a very large assembly of members of the bar yesterdaymorning in the large district court room to listen to the report of the committee appointed to draft and present a memorial in momory of the late Justice Miller of the supreme bench.

All of the judges were present and the oc casion was one of great interest and solemnity.

The committee consisted of Hon. James M. Woolworth, Hon. C. A. Baldwin, Hon. J. W. Savage, Hon. A. J. Poppleton and Hon. J. P. Breen

As chairman of the committee Mr. Woolworth presented the following report and

'It having been announced from the bench that Hon. Samuel F. Miller, the senior jus-tice of the supreme court of the United States and the presiding judge of the circuit court for the district of Nebraska had died, full of years of service and of honor, the committee appointed by this court for the purpose pre-sents the following brief and inadequate memorial of this great magistrate and citizen. and moves that it be spread at length upon

the journal. "The judicial career of this eminent judge covers a period in the history of his country and of all the race of momentous interest. His commission bears the date of July 16, 1843, and he took his seat upon the bench of the court at the opening of its December term of court that year. The war between the two sections of the country had just broken out. All the settled policies of administration were overturned and new principles-new save as developed from the eternal truths of the constitution -were brought into opera-tion. At the close of the terrible conflict, states were to be reconstructed and the union consolidated. The relations of the great de partments of the government were brought into operation. The relations of the great de-partments of the government were to be re-adjusted and defined anew. Internal disputes of delicacy and gravity were to be de-termined. Many of the duties of the citizen and reciprocal duties of the state to him were to be restated and commended to all minds by the persuasive force of temperate and re-assuring but cogent reasoning. In these su-preme exigencies, all the various jurisdic-tions of the court were brought into active and viccours were brought into active and vigorous exercise. Nor was the process of the expansion of the judicial power terminated with the war and the peculiar questions to which it gave utterance. "The vigor imparted to the popular mind by the stimulating experiences of the great contentions was one of its marvelays phenom.

contentions was one of its marvelous phonom-ena. The spirit of enterprise and adventure which followed its close gave to commerce an expansion; to emigration a volume; to the discoveries of science; the devices of invention and theories of moral and political philosophy a useful achievement such as was never before conceived. The judicial func-tion touched all these movements at every point, and followed all this progress with immediate and vital assistance,

"In its adequacy to its functions, in the wisdom of their discharge, and in the spiendor of its service, the court during this peri od was equal if not superior to all it had

"And in all this service Judge Miller bore his full share. He never flagged in his duties from first to last. By the grandear of his character, especially fitted to deal with constitutional questions, his judgments may be compared to those of Marchall; in numbers many time to those of Marchall; in numbers many times greater, in novely, gravity and power of demonstration, fully equal to the opinions of the great expounder. His service of twenty-eight years has illustrated with

triotism, his grand character, remain to us and to the generations that shall come after court.' us. In these he will survive as long as American institutions endure upon the earth."

In concluding the reading of the memorial Mr. Woolworth referred in a touching man ner to lengthy remarks which Justice Miller had made at the time President Lincoln was stricken down by the hand of the assasia and how applicable those remarks now seemed to the after life of the distinguished

man who had made them. Proceeding, Mr. Woolworth paid a high tribute to the dead jurist, with whom, as is quite generally known in this city, he had in mate social relations. He said that not onl did Justice Miller takea large part in the ju risprudence of this country, but on many oc-casions was called upon to render great ser-vice in national affairs. His dominance and power, his guidance and direction were felt with great emphasis, and would remain a part of the records of that time, and would be felt by those who held citizenship in this

country Mr. Woolworth having concluded, the court extended an invitation for any member of the bar to speak. Judge Baldwin re-

"It is not because I have the vanity to think that I can add anything of interest to that which has already been so appropriately said of him whose demise we are now considering that I desire to be heard. But it is because crave the privilege of paying my heart-fell tribute of respect to the memory of Justice

"It was only a few days ago when thes memorial proceedings were indicated, that Judge Savage was with us. Today Judge Savage lies on a bed of severe suffering and none can tell how his illness may terminate It is, therefore, fitting indeed that the wheel

of justice should be stopped for a time. "I would but crave the privilege of placing one rosebud upon Justice Miller's coffin home there to remain in perpetual bloom. I am not unmindful of the fact that the custom is, on ceasions of this kind, for the friends of th dend one to speak of him not only in terms of great kindness, but often times to entarge upon the virtues of the dead one. In the case of Justice Miller, to speak of him in terms of too great praise is but barely possible. He was moulded in the form, physically and mentally, to attract merited attention. In his intercourse with his fellows he was always kind, gentle ins lendows to approach, so that the most diffident of the young practitioners, if the cause he represented in fact had morit, found in Justice Miller a ready, careful lis-tener. He was known at all times as a digni-fied man, and at no time did he put aside the dignity of his high office. Coming upon the stage of active life and duty at the age by did, and in the position he held, he had muc to do in the day of our nation's great peril shape its fortune for the greatost good of all and all now agree that his work was well done "Permit me to refer to the words of Lord Lytton, as expressive of the Christian hope the full faith of which Justice Mille lived :

There is no death; the stars go down

Torise upon a fairer shore. And bright in heaven's jeweled crown They shine forevermore.

There is no death: an angel form Walks cross this earth with silent tread, And bears our dear loved ones away. And then we call them dead.

But over near us, though unseen, The angel forms do tread. For all God's universe is life, There is no dead.

"He lives and in the ponderous volume of legal lore, there with the names of Erskine, Mansfield, Storey, Marshall and Torrey, will be found the name of Justice Miller, in bright letters set with sparkling gems of truth of in estimable value, as one of the most respected

contributors. On behalf of the bench Judge Doaue then

spoke in effect as follows: • "My brothers and I assent most heartily in this memorial and all that has been said. this memorial and all that has been said. Personally I feel the loss of Justice Miller as an own friend. One of 'he brightest mem-bers of the bar has departed. The bar has lost one of its most brilliant and useful mem-bers. It is very seldom that one has taken the position, and held the high place, held the high appreciation of his work, as has Justice Miller. There was that clearness and

This closed the meeting and the regular routine of court work was resumed.

> Dr. Birney cures catarrh, Bee bldg. THE RAILROAD BUDGET.

> > Mellen Goes to Chicago.

General Traffic Manager Mellen of the Union Pacific has bought a home in Chicago and will remove to that city. None of the clerical force of the department will be reassigned for the change is that the traffic manager is required to be in Chicago most of his time, attending meetings of the various freight and traffic associations, and that the change is to be made as a matter of conven he went with President Adams, and will renove his family to Chicago on his return from the Hub

The Union Pacific Boycott. And now the chances are that all of the poycott talk against the Union Pacific will end in smoke.

The Union Pacific demanded an increased prorate of its eastern connections. The demand was refused and the roads declared a boycott against the Union Pacific. The Union Pacific retaliated by refusing to prorate with any but its Northwestern connec tions, and then the war opened merrily. All existing freight agroements were knocked galley west, and the prospects were flattering for a rate war in which all lines would have a hand. The Union Pacific maintained its position and the other roads showed a disposition to weaken. A conference was called and the chances now are that an agreement will be reached in a few days by which the former traffic arrangements will be renewed with the Union Pacific getting the proportion of the business demanded

Dr. Birney, nose and throat, Bee bldg.

A Misunderstanding. OMAHA, Neb., Nov. 7 .- To the Editor of THE BEE: There seems to be a wrong impression afloat with regard to the Rev. Mr. Palm, pastor of the Lowe avenue Presbyterian church. A majority of the members present at the congregational meeting which accepted his resignation went there with the purpose of voting against the acceptance. We were informed, however, that it was his unalterable determination to leave us, and that voting in the negative would only make him and the church trouble, so that while a number of us did not vote for it, we also did not vote against it. That was the reason a ballot was not called for, which, had not the above impression been given out, would have resulted in his favor. Mr. Palm, like all men of any worth, has his enemies, but a majority of his congregation love and appreciate him, and see him go from us with sincere regret. He makes mistakes, undoubtedly, but we leave them who make none to criticise them. Ho has been a true friend to every one who needed a friend, and laboring under very adcerse circumstances has accomplished all that any man could. May prosperity attend

MEMBERS.

his work.

Tired of Prohibition Kansas.

Captain Eugene F. Ware of Fort Scott, Kan., arrived in the city yesterday, rented a ten-room house and will at once become a resident of Omaha. Thursday he was at To peka trying a case in the supreme court, and picking up a copy of THE BEE, noticed the defeat of prohibition. He at once packed his grip and started. Last night he stated that there are hundreds of the residents of the Kansas cities who will remove to Omaha during the next six months.

The Samoset Jubilee.

The democratic parade and Samoset jubi ee to celebrate the election of James E. Boyd and the defeat of prohibition is booked for Tuesday evening. It promises to be a gigan-tic affair, as \$3,000 worth of fireworks will be touched off and 15,000 men will be in line.

How Lincoln Won a Case Owing to the Mistake of his Opponent. A STORY OF ALPHONSE DAWDET. Royalty Lifted Him From a Condition

of Great Poverty-Mark Twain as a Modest Man--Current Anecdotes.

"That the most learned may sometimes be mistaken was probably never more humorously illustrated than by Abraham Lincoln during a trial in a court of this-state," said Luther Laffin Mills one afternoon not long ago, to a reporter for the Chicago News, when he apparently had nothing better to do than amuse several friends by his storytelling talent.

"Everybody has heard of Stephen T. Logan, the famous attorney, who was once a partner of Lincoln, but who has long since slept with his fathers. Logan was eccentric to a fault. One of his peculiarities was to never wear a collar or necktie. No matter how great the occasion, he would not dress up or don a 'boiled' shirt. This was often a cause of emberrassment to Logan's five daughters, who were prominent in society. "Toward the last of his career Logan was

engaged for the defense in a celebrated case n which Abraham Liucoln prosecuted. The day of the closing arguments would be a great occasion, the court room would be crowded, and the Logan girls wanted their father to look nice. So they bought him a lozen white shirts and placed them on his bureau. Then they pleaded so hard that the old man consented to wear one next day.

"Logan, never having had a shirt of that kind on before, got the bosom behind and the buttons in front. Buttoning his coat close up to his chin, he went to the court house. The girls did not see their father before he started, and anybody else who met him did not notice his shirt, because he usually dressed so slovenly that they probably noticed no difference in his sppearauce,

"In court, however, the attorney opened his coat, and Lincoln, always ready to notice anything of the kind, saw the old man had made a mistake. During his address the future president spoke of the possibility of Mr. Logan being mistaken when he believed his client to be innocent.

""The best men,' said he, 'are often mistaken. Possibly you, gentlemen of the jury, will not believe me when I say my learned friend there has made a mistake today; yet he believes he is all right. He has, theless, put his shirt on wrong side front, and if you tap him on the back you will find I am right.' From that day until his death, is said, Stephen Logan never again put on a boiled shirt.

The following incidents in the career of Alphonse Daudet are related by H. H. Boye-sen, who enjoys the privilege of a personal

acquaintance with the distinguished French author, says Public Opinion. "Alphonse Daudet, a little, delicate man, with beard parted at the chin, heavy ringlets like a lion's mane surrounding his head, soft dreamy eyes and extremely robust chest-such he is, When a boy his father failed, and for some time Alphone lived with him in penury at Lyons. But an elder brother procured a position in a glass store at Paris and Al-phonse went to live with him. They took the cheapest lodgings in the city, for money was exceedingly scarce. In fact, Daudet traveled to Paris in a freight car, wearing a pair of rubber boots, inside of which were neither clippers nor stockings. The journey occu-pied two days, and and the boy did not taste food during the whole time." Finally, when Paris was reached, he was nearly frozen as well as starved. There they dweit, far up in the attic of a building six stories in height. But neither of the brothers lost hope. Both

press Eugenie vas delighted with it, and do something for the boy who wrote these? The duke replied: 'We can do everything for him your majesty so desires.' 'Then find all about him and offer him assistance!' she said. The next day Alphonse looked down from his attic window in surprise to see a court carriage, bearing the imperial coat of arms, stop before the door. In a moment a the impressive, dignified, liveried lackey was ponderously creaking up the stairs. As he knocked heavily on the door Daudet reeled forward half in a faint. What could it all mean? What had happened? Notbing, the lackey said, ex-cept the duke sent his card to M. Daudet, and would please to call on the duke one week from that day. from that day.

Now what preparations were made for that day! Surely Daudet cauld not go to the duke in rags and tatters, so he searched the clothing stores of all Paris, trying to to hire a dress suit, but owing to his peculiar physique none could be found. After many trials he succeeded in getting hold of a tailor who made him a suit on the strength of the duke's card -for Daudet had no money to pay for it-and on the appointed day he went to the palace. A score of others were present, but he waited A score of others were present, but he whited his turn, and it came. He was ushered in to where the duke sat. 'Can you write?' 'Yes, sir' replied Daudet. 'Very good; I want a secretary. Pay, 5,000 frames. Good morning.' The boy was nearly overcome. He had never imagined that any one was paid that much a year-about £200. But he suddenly remembered that he differed in politics from cent." the duke, and drawing himself up, announce that fact. Instead of being deeply moved by this heroic course, the duke said : 'O, go and get your hair cut. I don't care anything about your political peliefs.""

Many years ago Lord (then Mr.) Tennyse was visiting at Bude, Cornwall. He had been given a letter of introduction to the late Rev. R. S. Hawker, the well known vicar of Morwenstow, says America. With the thoughtlessness which is supposed to be characteristic of poets, Tennyson mislaid the letter, and forgot the name of the individual to whom it was addressed.

The local doctor, however, thought in would probably be Mr. Hawker, and Tennyson proceeded to the vicarage. Mr. Hawker's hospitality was proverbial, and he frequently entertained visitors without troubling know their names. Just as he was leaving, after a pleasant chat, Tennyson said : "Perhaps you would like to know who 1

n. My name is Tennyson." "Any relation to the Tennyson," asked Mr. Hawker.

The poet replied : "I don't know what you mean by the Ten-

His host's feelings may be better imagined than described. He did not, at any rate, allow his guest to depart as easily as he might have dong if he had summined income one if he had remained incog.

"You must stay and finish the day wit said Mr. Hawker.

"No, I cannot," was the reply. "The fact is, I am dying for a pipe." Mr. Hawkernot being a smoker could not

offer his visitor a pipe, but a laborer was found near at hand who could furnish both pipe and tobacco.

An amusing incident lately occurred on a southern railroad in England in connection with the duke of Norfolk and the marguis of Bute, says London Society. The duke and marquis were fellow-travelers, and when the train stopped at ----- station a companion joined them in the person of the station mas-ter bimself, who was going for a jaunt some tweaty miles further up the line. The duke and the stationmaster, who were both dimin-utive men, and therefore fond of talk, soon got into conversation, while the marquis-tall, robust man-was inclined to be reticent until he found his friend the duke up to his cars in conversation, when he himself joined, and reasing most of his conversation to the stranger.

At length the train arrived at Bthe marquis bid a hearty farewell to the duke, and, with a kindly adicu and a shake of the hand from the stranger, the marguis outtod the carriage, while his dispatch-box and wraps were secured, to the surprise of the stationmaster, by a tall, powdered foot-man, and the train soon glided out of the sta-tion. Silence was not however, long main-

the station master for a time, but presently exclaimed: "So that was a marquis, was Well, now, I do think it kind of him to talk to two such snobby little chaps as us, don't you?" The duke nodded his assent and had a good laugh. When the train drew up again his grace affably bid his companion "Good-by," and, on alighting on the plat-form, was raceived with the greatest defer-ence by a throng of Jesuit priests, this inci-dent again setting the stationmaster the task of inquiry, who inquisitively asked a brother official "Who that little bloke was!" "That," replied the guard' "is the duke of Norfolk The stationmaster, after this, declared he would never travel first-class again as long as he lived.

> A few days ago I called at the office of George Putnam, the publisher, said Mark Twain in a recent afterdinner speech. I was met by a very severe-looking clerk, who told me that Mr. Putnam wan't in. I knew that wasn't true, but I didn't blame the young can for I don't black builded the tool to man, for I don't think he liked the look of my clothes, but I thought, as long as I had pain him a visit, I would do some business with him, and I said I wanted to buy a book—a book of travel or something of that kind, and he handed me a volume which he said would cost \$3. I said to him: "I am a publisher

myself, and I suppose you allow the usual publisher's discount of 60 per cent." The young man looked absent minded, but said nothing. Then I remarked,

"I am also an author, and I suppose you al-low the usual author's discount of 30 per

The young man looked pale. I addressed him further:

thereby hangs a story that has just gained currency. On the night of the address a "I also belong to the human race, and I suppose you allow the usual discount to the Brooklyn and Chicago visitor were talking at the catrance of the hall when Maxwel

human race of 10 per cent." The young man said nothing, but he took a pencil from behind his car and made asked the Chicago gentleman. "That's Colonel Maxwell," was the reply. "Grand army man?"

you 15 cents." So, gentlemen, if you allow me on my impromptu speech all the discounts which are properly due me, I think you will find that, besides this dinner, you are indebted to about 15 cents, and I hope the hat will passed around and the amount collected." me

Whenever the baby king of Spain sees grandee or gentleman whom he knows, he calls him by his Christian name, or his surname, without his title, a custom always re-proved by his governess, says an exchange, "Eh! Xiquena," exclaimed the king one day, as the ex-minister passed. The governess, who knew that the count's father was dead, and that the son had inherited the title, ob-"Sire, permit me to remind your served: serven: "Sire, permit me to remind your majesty that the person whom you do the honor to address is the duke of Bivona," "The king burst out laughing, and exclaimed : "The duke of Bivona! this is nice! But 1 "The duke of Bivonal this is nice! But I know that it is Xiquena! Are you not Xi-quena!" he added, addressing the count. "Yes, sire." "Do you see," the little king went on, "this woman has a mania for giving went on, "this woman has a mania for giving people new names. Doesn't she pretend that Juanto" (an officer of the royal guard, much loved by the king) "is the marquis of Soto Mayor" "Indeed, sire, he is; and you will permit me to remind your majesty that he should be so addressed," replied the govern-ess. "Don't be stupid," was the monarch's answer; this is Juanito and the other is Xionena."

Xiquena." Adjutant General Williams, now in charge of army headquarters pending the arrival of General Miles, was reminiscent the other day as he told of his early experiences in the west, says the Chicago Times. "I first met General Grant in 1852," said General

Williams. "Grant was quartermaster at Vancouver, and I remember that all the officers gathered each night to play brag, which was a sort of draw poker. Grant, while not a gambler, was the best pokerwhile not a grambler, was the best poker-player in the army—certainly the best I ever saw anywhere. He was perfectly imper-turbable. To my mind his mental capacities have never been properly appreciated by the American public, who looked upon him as a creature of luck and circumstances. It was my duty after the war, while connected with the adjutant's office at Washington, to handle Grant's unners enforcements and common Grant's papers, endorsements and communi-cations to the war department. I am certain

that they excel or equal any state papers of any age, and if now reviewed would surprise

sposed to take the advantage of the-er-er

Dr. Birney cures catarrh, Bee bldg.

## Post. "During the campaign in Mississippi," said he, "we were short of rations, and one of the boys and myself were out foraging. We had only gone a short distance when we met a couple of young boys coming towards camp with some pics. They were chicken pics, the boys said, and we purchased them without hesitation. We paid the boys, and sat right down and began cating, for we were as

title

"Officer of state militia?"

hungry as wolves. Just as we had about con sumed the pies we heard the boys quarreling over in the woods about the division of the money. Listening, we heard one of the boys, in a whining voice say ;

pany bracking irrm went known on two conti-nents is called by his friends and acquaint-ances, catertained at the Century clab in London not long ago a New Yorker who is 'one of the boys'' when he is abroad as well

as at home. A game of poker was proposed

after an evening spent in doing the town, and in a cosey backroom at the club, a table,

chips, whisky and water and cigars were

made ready. The American persisted in tell-ing stories, humming snatches of song and

guying the other physers when they were bluffed. At last Mr. French, who is a won-

derfully shrewd player at the age of ninety

years, struck the table testily with his hand and exclaimed: "Damme, sir, are we hav-

ing fun, or are we playing poker!" "Sir," returned the delighted American, "I do not pretend to be able to fathom your feelings or

declare your intentions. But as for me, I am having fun! You don't suppose I am all the

way across the briny deep and tossed upon its heaving billows just for the privilege of playing poker, do you? Why, my good the

when I am at home I play poker all over he, American continent, sir!"

William H. Maxwell, superintendent of

public instruction in Brooklyn, says the New York Star, will wear no other hats than

broad-brimmed, high-crowned sombreros. He

went recently to an educational convention at Minneapolis, and before he started ho

bought one of those military-looking chap-caus. It gave him a very soldierly appear-ance. Maxwell made himself quite popular in Minneapolis, and was asked to deliver an address in the city hall. He consented, and

"Who is that military looking gentleman?"

"Where, then, does the colonel come

netly gibed by his friends on his new-found

Mr. Chandler of Georgia told a good one on

imself the other day, says the Washington Post. "During the campaign in Mississippi,"

"O, Maxwell was born a colonel," replied the Brooklyn man. The superintendent of instruction is being

"Now, Bill, gol darn your soul, you've got to give me half that money, for you know them pupples was half mine." "Well, in about half a second we were the

sickest confedrates you ever saw, and from that day to this I have never been able to cat any kind of meat pie."

Many years ago there was have Mississippi who used to fish on a rock in the Mississippi Many years ago there was an old darky who used to han on a rock in the mississippi river, says a Washington letter. He would get out upon his rock and take his seat, and light his pipe and fish for catfish. One day he swung an unusually large cat, and in the struggle the cat pulled him off the rock and

he was drowned, and the poet of a local newspaper had the following verse describidg the catastrophe: "The neighbors never could make out By the aid of all their figuring. Whether the nigger went a-fishing. Or the catfish went a niggering."

When Crockett was in congress in 1829 a

member from Arkansas attempted to address the chair. He began: "Mister Spanker, the giverality of mankind in giveral is-er-er-

-ginerality of mankind in general." "Set down, you — old fool," growled Crockett; "you're coming out the same hole you went in at."