FIVE SMALL PIECES OF SCALP,

A Famous Burt County Trial in Which Mr Poppleton Was Engaged.

EX-COURT REPORTER'S REMINISCENCES.

Some Very Interesting Incidents in the Legal Careers of Judge Redick, Judge Lake and Judge Donne.

In November, 1870, there occurred at Tekamah, Neb., one of the most interesting trials ever held in the west. Five Winnebago Indians were indicted for the killing of a young man named Munson in Dixon county while he was engaged in plowing on his homestead with a yoke of oxen. Munson was living alone and several days passed after the murder before he was missed, and upon search being made by the few settlers in the vicinity the body, with the head lacking, was found concealed in the long grass of a neighboring slough. The absence of the head attracted attention to the Omaha and Winnebago Indians whose reservations were in that section of the country. Inquiry disclosed the fact that several young men of the tribe last named had been absent from the reservation for a few days at the time Munson was first missing, and a careful search resulted in the discovery of five small pieces of a white man's scalp, the hair being of the same color as Munson's. A number of young Indians were arrested and five were held for trial in the district court for Burt county, the pre-liminary examination being held at West Point.

In order to secure to these Indians all their egal rights a societyin Philadelphia engaged Mr. Poppleton of this city to defend them and also sent out a bright young attorney from the Quaker city to assist him. I was sent up by the Omaha Herald to report the case. The court, Judge Crounse presiding, was held on the upper floor of a rickety, two-story "balloon frame cottonwood building, the siding being of boards nailed up and down and battened. The town had but a scant population, and the streets were well filled with Omaha and Winnebago Indians—far outnumbering the whites, and there was every reason to apprehend difficulty in case the Indians saw fit to interfere with the progress of the trial. M. R. Hopewell, now one of the judges of this R. Hopewell, now one of the judges of this district, assisted District Attorney E. F. Gray in the prosecution. The court room was packed from the beginning to the end of the trial with whites and Indians, and the night sessions of the court presented a specially wierd and dramatic appearance. One of the pieces of scalp showed an indentation, and after several persons who had know Munson had testified us to their belief that these bits of scalp had come from his head, the gray-haired mother of the deceased was put upon the stand. The pieces of scalp were handed her, and in the midst of a profound silence she carefully examined a profound silence she carefully examined them, with the tears rolling down her cheeks, and then testified that she was sure they had come from the head of her murdered boy, explaining the indentation in one of them by stating he had been thrown from a horse several years previously, receiving an injury on the head which left a permanent mark.

Among the witnesses examined was an Indian woman known as Winnebago Jane

who, in answer to questions, indicated a total ignorance of the English language, and a long and tedious examination followed - every question and answer being given through an Indian interpreter—at the conclusion of Indian interpreter—at the conclusion of which she was told to step aside. As she rose from her chair to leave the stand she caused a roar of laughter by the query, in plain English: "Then you don't want anything more out of me?!" To the people of the town and vicinity her familiarity with the English tongue was well knewn and the stolid expression she assumed as she sat on the witness stand during the slow process of the witness stand during the slow process of converting English into Indian and Indian converting English into Indian and Indian into English, had been very amusing to those present who were posted as to the situation.

Mr. Poppleton was then in the full vigor of life, with no superior in the profession of which he has been a distinguished member in Nebraska since 1854. His fame extended all over the state and the desire to see and hear him on an occasion so memorable was sufficient to using to the little town, the set tlers from many miles surrounding. He entered into the trial of the case with all of his well known zeal and carnestness and those who then heard him carried away impressions never to be effaced. The circumstances, surroundings, the doubt as to the guilt of those particular Indians, the fact that they could not understand a word of the testimony without its being interpreted into their own tongue, and the anxiety of the settlers as to the course the Omahas and Winnebagoes might pursue in case the pris-mers were convicted, all contributed to put Mr. Poppleton at his best, and never were the legal rights of any one more closely rquarded than were on that occasion those of those five representatives of the Indian race, possessing neither wealth, influence or sta-

George B. Lake was at that time the judge of this district, then the second, embracing of this district, then the second, embracing ten counties, all except Sarpy and Douglas lying south of the Platte river. The third district was presided over by Judge Crounse first and afterwards by Judge Maxwell, now and for many years a member of the supreme court, included all of the state north of the Platte (excepting the two counties named)—a territory as large as two counties named)—a territory as large as several of the eastern states combined. Henry E. Maxwell of this city, of the firm of Lake, Hamilton & Maxwell, is a son of the udge, inheriting the sterling character of the latter and a special fitness for the legal pro-

Meen the constitution of 1886 went into effect Judge Lake was elected to the bench in the supreme court and of this district, the higher court being then composed of the three district judges, but the constitution of 1875, having provided for a separation of these courts, he was elected to the supreme bench in November of that year, and James W. Savage became his successor on the district bench. As a lawyer Judge Lake had attained distinction, and his service as judge was equally notable. In the prompt dispatch of oursiness Judge Dillon of the United States court, is, perhaps, the only judge holding court is, perhaps, the only judge holding court in Omaha to be compared with him. He was always on hand to the moment in ppening court, and the daily sessions were generally carried on until 6 o'clock in the evening, with night sessions a frequent oc-currence. He was four times elected a mem-ber of the territorial legislature, served Douglas county in the constitutional conven-tion of 1871, and was a member of the supreme court continuously from January, 1867. until January, 1884, eight years of which time he was the chief justice. In 1863 he was ap-pointed by Judge William Pitt Kellogg to aid District Attorney Charles Brown in the prosecution of Cyrus W. Tator, the first man legally executed in Douglas county, and in 1808, as district judge, passed sentence of death upon Otway G. Baker, the second man hung in this county by process of lawand, by the way, the last to this date. Judge
Lake was the first of the district judges
of the state to appoint a reporter under the
law of 1875, which he did at Lincoln April 15,
1876, at which time the writer was sworn
as such official and performed the
flutles of the position until October, 1885,
when he resigned. Judge Lake took are when he resigned. Judge Lake took an active part in local affairs in an early day, as shown by the fact that he was tendered by an appreciative community, an important place in the quiet and unestentations cere-

monies attendant upon the lynching of Bovee, in March, 1861, but this distinction he respectfully declined.

Judge John I. Redick was for years a con-spicious member of the Douglas county bar, and was particularly successful in jury cases, where his fund of humor was espec-ially effective. I remember one instance ially effective. I remember one instance where he disposed of a witness for the other side of the case by referring to him in the argument as the witness who had a "head on him like the head of a cane." Of course a man with a head of that sort could not be believed on oath by any self-respecting jury. Several years ago he was called as an "ex-pert" in legal charges in a case on trial in pert' in legal charges in a case on trial in the United States court where some Lincoln lawyers were trying to secure pay for their services in an extended higation over the ownership of a tract of land adjoining the city of Lincoln, and known as "the disputed eighty." The client of these lawyers refused to pay their oill on the ground that it was an excessive charge. Judge Redick testified on direct examination that when he and Judge Briggs were associated together in active

practice, it was nothing unusual for a lawyer in land litigation to receive for his services haif of the land involved, in case he succeeded in the sult and a money fee healdes. Judge Wakeley, counsel for the other side, referred to that statement in ross-examination and inquired:
"Was it not the habit of Omaha lawyers in
those early days to take all the land and a
money fee besides?" To this the witness
promptly responded: "That may have been
the custom in your office, judge, but it wasn't
in over."

In the same court the firm of Redick & Connell were trying the famous suit of "Hammond vs the city of Omaha." The plaintiff had contracted to dig a number of plaintiff had contracted to dig a number of wells for fire purposes, the contract having been drawn by the former known a "Hazel Witch Hammond," and when the day of rockoning came a careless city council dis-covered that said contract was drafted on the principal of "heads I win, tails you lose," but decided to risk a law suit on it anyway. On the trial it was shown that in at least one passages, where the contract called for a well instance, where the contract called for a well twelve feet in diameter, the bottom one-third was but four feet across, thus leaving a pro-jection of four feet all around the lower por-tion of the well and materially decreasing its holding capacity. But Judge Redick did not allow a little incident of that character to dis-turb him, though of course it was necessary turb him, though of course it was necessary to refer to it in summing up the case which he did in this fashion: "Gentlemen of the jury—They say we nave violated the contract in leaving this projection, or shelf at the bottom of this well, but, gentlemen, I claim we have not. We made that projection as a sort of a shoulder to lift the water up to the top of the well," at the same time making an upward motion with his hands as though he were lifting a ten or two of water, so that the

lifting a ton or two of water, so that the firemen could dip it out with buckets. At this point I noticed that Mr. Conneil was obliged to step out into the corridor to control his emotions, but his partner "nover cracked a smile," and, surprising as it may seem, neither did the jurymen. They took it all in as gospel truth and promptly returned a verdict for

Judge Redick was attorney for the late George W. Frost in a litigation which ex-tended over a long period of time in both the state and United States courts, wherein Mr. Frost sought to obtain from the Union Paci-fic railroad company \$50,000 as commissions on purchases made by him for the company as its purchasing agent in the construction of the road. He had been paid a salary for his the road. He had been paid a salary for his services, but claimed the amount named in addition. Before coming to Omaha in the employ of the railroad company he had been a Methodist minister. In giving his testimouy he cited one instance on the occasion of a freshet where he had worked all day Sunday on the river front to prevent the floating way of a large constitution. away of a large quantity of cottouwood ties which were lying along the bank.
"What day was this?" inquired his

"Sunday," responded the minister,
"What! you a stethodist minister and
working on Sunday!" inquired Judge Redick
with a look of surprise and horror. had to do it to save company's property," the witness re-

the company's property," the witness replied promptly.

I took the testimony in this case several times in its various phases, and the judge never failed to throw in this little dialogue or to omit the herrified expression of countenance over the dreadful disclosure. My recollection is that he finally secured a verdict for \$40,000 in the United States court and that Judge Dillon gave Mr. Frost the option of accepting half that amount from the railroad company or risking his chances of another trial of the case, and that the \$20,000 was accepted in full satisfaction of the claim.

Judge Doane, when engaged in the practice, was unusually rigid and exhaustive in the taking of testimony and when he got through with a witness it was safe to say that not a scrap or shred of information did the latter possess with respect to the matter in dispute which had not been wrung from him in response to Mr. Doane's questions. He was an industrious and energetic lawyer and at the time of his election to the bench had built up a valuable and desirable practice, producing an income far beyond the annual salary of a district judge. Upon locating in Nebraska in 1857 Judge Deane first resided at Decatur, moving to Fort Calhoun in 1860 and to Omaha four years later. He represented Burt, Washington and Sarpy counties in the fifth session of the territorial legislature and Douglas county at the twelfth. ties in the fifth session of the territorial legislature and Douglas county at the twelfth. He was also a member of the state senate in 1881. In 1837 he was elected prosecuting attorney for this district and re-elected in 1859. As prosecuting attorney for Douglas county in 1868 he prosecuted Baker, securing his conviction of the murder of Woolsey D. Higgins.

One of the famous civil cases with which Indice Doesne was securing the convergence.

Judge Doane was connected was that of Higgins vs Beals, Charles S. Higgins of this city being the plaintiff and his father-in-law, a Washington county farmer, the defendant, The two were in partnership in the stock-raising business and found it necessary to call upon the court to adjust their differ-ences in an effort to close up the business. The case was pending in the court for Washington county for half a dozen years, but finally Higgins got it transferred to Douglas county, and my recollection is that that broke the spell and a verdict was reached at last, though I do not know which party won and the case had in the meantime become so complicated that it is doubtful whether either the litigants or their counsel know who came out ahead. During nearly all of the official term of Judge Savage, as he journeyed on the train to hold his semi-annual sessions of court at Blair, the standing inquiry of the lawyers aboard would be: "Welf, are we going to dispose of Higgins vs Beals this time!"

John T. Bell.

DeWitt's Little Early Risers; best little pills for dyspepsia, sour stomach, bad breath.

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A burning shame-a blush. Tuft-hunting-pulling bair. Boiled down-scoured wool.

Tired, but never weary-a wheel The music of the spheres is bass-bawl. Better to give than to receive --medicine. Men who always wear diamonds-baseball

A bad boy is often hand-cuffed, by his par-

A sage remark-"A little more stuffing, Plaster of Paris is probably a cap-Seine plaster.

A sort of eatch-penny affair-the weighing machine. Dog stealing in the second degree-purioin-

A jailbird has no wings at all, but he gets there just the same. A hen resembles an old tramp in ambush

when she's laying for you. The smelt is a small fish in winter, but very large fish are often smelt in summer. Euripides once remarked: "Don't believe woman even when she speaks the truth.' More money gone to waist, remarked the bright boy, as he swallowed a 10-cent piece. The sons and daughters of present day railroad magnates will sometime proudly boast of the hauls of their ancestors.

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No Through Car for Him.

The old darkey was wandering about among the trains in the Seventh street depot with a carpet-sack in his hand, says the Louisville Times. He was ac-

costed by an employe with: "Where you goin', uncle?" "Ter Pitchburg, sah."

"Want a through car, I s'pose?"
"No, sah, don't. Las' kyar I rid in went froo, an' cum nigh killin' me. Los' my hat.

"How's that?" "Trussle warn't strong 'nuf. No, sah, I'se huntin' de kyar dat don't go froo; I want de kyar dat'il git there wid me.' He was shown the right car, got aboard and was soon on his way to the smoky city.

DeWitt's Little Early Risers; only pitl to cure sick headache and regulate the bowels.

Smithy Was a Litt e Off. .

"I was a little off this afternoon, Watty," remarked Pitcher Smith to Manager Watkins after Monday's game.

"Yes," replied Watty, "as I observed, but you weren't as far off as you will be by this time tomorrow afternoon if there is a train

WHEN JIM HELD THE LINES.

Reminiscences of the Early Staging Days in the Great West.

STEPHENSON'S MATINEE WITH A BEAR.

The Stager's Scalp Was Torn but the Bear Got the Worst of It in the End.

"This country ain't what it used to be," sadly declared James Munchausen Stephen son the other afternoon as one of his backs rolled over the stone flagging into his immense stable at Tenth and Harney streets.

The vehicle was splashed and plastered with mud from end to end and it was the sight of this reckless job of inartistic decoration that awoke in the owner a vivid recollection of bygone days when he was "staging it," across Iowa and Nebraska between Iowa City and Denver for the old Western Stage company.

Jim always sighs when when a fit of retro spection brings those thrilling sights and scenes of earlier years in pan oramic view be-

He explains it by saying that it makes him feel sad to think of how many of his old associates have passed over the great divide, and this explanation does as well as any so ong as he is unwilling to disclose the true

The plain, unvarnished truth, however, is that tenderfoot audiences are not as numerous now as they were in the days when he sat upon the log and modestly related a few of his startling experiences to a coach-load or open-monthed and horror-stricken auditors. His listeners in those days never thought of questioning his veracity, and rever asked embarrassing questions, while the inquisi-tive individuals on whom he is compelled to practice nowadays insist on having all the details gone into to an extent that is very

wearying to the narrator,

Jim is a corking good story teller, and one
commendable feature of his yarns is that they have no weak or uninteresting points If a story is a little defective at some point at the first rehearsal you can never find a trace of it when the anecdote appears in full dress. Ten to one the rejected stone will have become the head of the corner, and what were originally the salient points will have been transformed into mere subordinate

garnishings,
"Yes sir-ee," reiterated James, "the coun try has changed. If it hadn't, that carriage would be a six-horse coach and it could go out again without any washing, but such things cannot be today."

This decision bore fruit in a very few sec-

onds, for the carriage was hurriedly backed into an obscure corner where a cadaverous looking individual in a rubber suit amused himself by squirting Missouri river water upon it, and afterward curried it carefully with a sponge and piece of chamois skin.

"When I began staging to Denver you couldn't have found mud enough in a two year's search between the Missouri river and Salt Lake to have plastered over a snake bits. We always know that mud was as

We always knew that mud was an ex cellert thing to use in a case of that kind, but we couldn't get it, and that was why waisky was generally used on such occasions.
"I meet people every day who have read
the history of the United States that I wrote

the history of the United States that I wrote before I came west, and they have the nerve to tell me that I was an idiot for christening this part of the country the great American Desert. They think it was always the same as it is now. Why, when I was driving across the state in 1868 it was actually impossible to stick a pick into the ground out around Grand Island. Gumbo! No: gravel stones, and they were packed in there closer than six in a cab. It ain't that way now, fo that is awful nice farming country today The stones have all disappeared. You see it used to be fearfully dry, but as the counit used to be fearfully dry, but as the country got civilized there was more moisture, and as the rainfall increased, those stones

gradually melted and now there ain't a trace of 'em left.

"Talk about changes, why, man alive, we used to drive from Omaha to Denver when there wasn't a bridge between the two places, and the only ferry was across the Platte. We drove across creeks and sloughs and never had a bit of trouble. You can't do it to-day. "The grass that used to grow on these prairies in those days wasn't in any way

One ton of that was worth more than ten tons of this, and it was all the stock needed. Horses, cattle or wild animals would keep fat on it the year round. If they could only find a little bit of it sticking up above the snow they would keep as fat and slick as any ani-mal in Omaha today. I remember particularly of driving three yoke of oxen to Denver one summer in the '50's. We didn't have any grain to winter them on, and as they were in pretty fair condition in September, we killed four of them for beef. The other two were turned out and picked their living through the winter. The next spring they were the fattest critters I ever saw in my life.

"All that grass wanted was to have the rain keep off of it. It seemed to wash all the elixir of life right out of it, and if it rained during the spring the grass wouldn't flourish during the summer and the antelope and buffalo found it a good deal closer picking the next winter in consequence. "Four and six horse coaches were the pub-

rour and six norse coaches were the public conveyances through this section thirty odd years ago. It was nearly all four horse business across Iowa until travel increased, but out west of here through the sand and up in the mountains, it took a stiffer team, and they nitched on six horses. "It used to make some folks wish they'd stayed at home when they got out in the mountains. It's a fact that the road did run through some ticklish places, but it was the only way to go, so a passenger had to put up

I was over the road so many times that I "I was over the road so many times that I didn't mind it, and white I had a great many narrow escapes I only had one experience that really startled me. The hair ain't very thick on top of my head, and perhaps you can see that long scar that comes almost down to my forehead? No? Well, I don't suppose it is as plann as it used to be. It was in the winter of 1859, and I was taking a big load west. In going over the mountains load west. In going over the mountains we had seen and heard several snow slides, but none had bothered us snow slides, but none had bothered us until just at this time that I am going to tell you about. The road wound along a narrow ledge, and on the near side the wall made a drop of I don't know how many hundred feet, for the bottom dropped out of that cauyon long before I was born. On the other side the mountain climbed straight up for thirty or forty feet and then stretched away again apparently trying to get as far from timber line as it could. The first thing we knew there was a rush and a snowslide that would have covered a whole quarter section shot have covered a whole quarter section shot off the bank over our heads and jumped into that condemned hole on the other side.

"The snow whirled around us so that we couldn't see, and I pulled up to let the blamed thing pass. The very next second I got a clip on the head that made me see stars and clip on the head that made me see stars and something went tearing through my scafp. I didn't know but an Indian was trying to scalp me on the fly, but as I twisted I saw that a big grizzly had tried to anchor his toe nail in my hair. He kept on going, and, from the looks of the hole, I haven't any doubt but that he's falling yet. When he caught me it gave me a sort of funny sensation, for it felt too much like some one reaching for me out of the other world. I don't want that kind of a claw to levy on me again. Say, mebbe you know

levy on me again. Say, mebbe you know what it looks like up in the Rockies! Ever been up there?"

The admiring auditor asserted his ability to prove a continuous alibi to defend himself against any such suspicion.

against any such suspicion.

James thereupon slowly closed one eye and steadily regarding his audience out of the other optic solemnly declared: "Young man, you don't know what snow is. You think it's pretty tough with snow two feet deep on a level, but I have seen it fifty feet deep in a beaten track. One winter we had to stake out our road. Another fail of snow would cover up the stakes, and we had to do the work over again every week. Of course the road kept getting higher and nigher as the snow grew deeper, until we had a beaten track with fifty feet of snow underneath. We had to have the stakes to mark the road, and the horses had to step in the same track and the horses had to step in the same track every time or it was all day with them. If a horse stopped out of the road down it went into the soft snow and we never saw it again. They wouldn't sink in the snow out of sight if they went over the edge on a steep

mountain side, but would go end over end down the mountain. "I had one horse go down the mountain that way for a mile and a quarter, and then got him out alive. He went through tree tops like a cannon ball, and when I finally got him he was as bright as a swivel that has just come out of the barnisher. Sometimes a whole outfit, horses rear guerra and sleich

just come out of the barnisher. Sometimes a whole outfit, horses, past engers and sleigh, went down together, and that was the last of them. When a horse went over he would sometimes break leose and go down without assistance, but if he didn't, and we couldn't pull him back, we would cut the harness and let him go. If he lodged against a tree not more than a hundred yards away we would climb down and get the hurness, but if the road was bad we let it go. There was money enough in the business so that we could stand something of that kind occasionally. Folks didn't travel on wind then, and railroad passes offered no competition.

railroad passes offered no competition.
"The farther a horse went down the moun

ain the more show there was to get him out

tain the more show there was to get him out. The road always winds around, and if the animal went far enough he was sure to strike the road again below. The only way to get 'em out was to keep walking around them and tramp down the snow. In that way I have let horses down out of tree tops and got them to the road a quarter of a mile away. "Did I over have any thrilling experiences with Indians! Well, I rather guess yes. I have witnessed sights among the redstins that would have frightened some men to death. I have been a spectator when scenes were enacted that far exceeded the wildest ideas of the most imaginative writer of fic-Ideas of the most imaginative writer of fic-tion. Do not ask me to repeat them. Not for gold or friendship would I altempt to re-late the horrers of those blood-curdling scenes. There is not a man living today, unless perchance one who like myself has gazed upon them, who would credit them even in the slightest degree. Linewise my run of twenty-four miles with a loaded coach when I outstripped a band of fifty savages would be considered incredible. I think too much of my reputation, and I would not tell a story to which the slightest shadow of doubt might attach itself. I think too nighly of my friends to allow myself to say anything that might shake their faith in my veracity."

DeWitt's Little Early Risers. Best little ull ever made. Cure constipation every time. None equal. Use them now.

Pocket-Books and Sinners' Souls There has been a breeze in the New York conference of the Methodist Episcopal thuren, arising from the sale of the magnificent property of the St. Paul's Methodist congregation at Fourth avenue and Twenty-second street. The trustees of the flock were openly accused on the floor of the conference of deserting the souls of sinners in the Madison square section and chasing pocket-books up-town. One of the preachers declared that he could point out twenty ministers who would go down there and fill St. Paul's church to overflowing in less than no time. church to overflowing in less than no time. The property is already sold and the congregation will seek more fashionable quarters up-town, but the conference has passed a resolution that this cannot be done again witnout its consent. There is a change from the old-time spirit of Methodism observable in its practical desertion of the down-town districts. Old John street church, the cradle of Methodism of Methodism, yet remains, but it is the only church of the denomination below Canal church of the denomination below Canal street, and between that street and Twenty-third atreet the flocks are few (but four in number) and feeble. Methodism was never so strong as when the itinerant circuit sys-tem prevailed in this city, and in ceasing to be a missionary body and seeking settled congregations and pastors it lost much of its neculiar power. peculiar power.







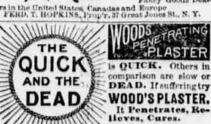
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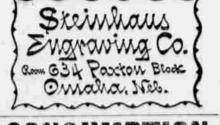
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