

JUDGE SCOTT KNOCKED OUT

His Judicial Acts Find Little Favor with a Superior Tribunal.

SUPREME COURT ON A CONTEMPT CASE

Arbitrary Ruling of the Judge in the Case of Attorney Cobb and Cobb Overruled by the Highest Tribunal of the State.

One Cunningham R. Scott, a judge who presides over the criminal section of the district court in this county, met the supreme court of the state Tuesday afternoon, and came out of the contest disgraced, being completely knocked out of the ring and over the ropes, so to speak. In other words, this Judge Scott was reversed by the members of the supreme bench, and one of his decisions was set aside.

The case in which Scott was reversed was from this county, and was one wherein he had found Silas W. Cobb and W. J. Cobb, two lawyers, guilty of contempt, after which he fined them \$25 each and sentenced them to twenty-four hours imprisonment in the county jail.

The alleged contempt grew out of the following proceedings: At the February term, 1892, of the district court, to Judge H. J. Davis had been assigned for that term, the trial of all criminal cases in the court room designated as room No. 1. To Judge Scott had been assigned the dockets, civil and criminal, in the three other counties of Bur, Sarpy and Washington. However, before Judge Scott went on his circuit of these counties, he charged the grand jury which all the judges of the Fourth judicial district were provided by law, called to convene in Douglas county on the opening of the February, 1892, term of the Douglas district court.

On the morning of the next day (March 19), while Mr. Cobb was in the courtroom, Judge Scott took a seat upon the bench beside Judge Davis. This was just before the hour for the most important trial, and a short conversation with Judge Davis, after which the latter gave the jury the usual admonition and adjourned the further progress of the trial until the next day. The jury were filling out of the room, when Judge Scott, still remaining seated on the bench, held up in his hand the original paper filed in the office of the clerk, and on which the motion to quash was written, and asked Attorney Cobb and Cobb if that was the motion to quash, and whether the names signed thereon were their own. To this inquiry they both answered in the affirmative.

JUDGE SCOTT TAKES A HAND. Judge Scott then asked a number of attorneys if they were willing to strike out the first paragraph of the motion to quash and if they knew of any statute authorizing the filing of such a motion.

Mr. Cobb replied by saying: "I will state for myself that the motion was not made under any provision of the statute that I know of, and that I do not believe there was a provision of that kind, but I propose to fix myself in such a position by the filing of this motion, and if it were necessary, in taking this case to the supreme court, I could raise the question as to whether or not the charge to the grand jury was one which was authorized by the laws of this state. I simply did it as an attorney. I did not do it for the purpose of casting any reflection one way or the other."

Judge Scott then asked a number of attorneys if they were willing to strike out the first paragraph of the motion to quash and if they knew of any statute authorizing the filing of such a motion.

Mr. Cobb—Yes, because I do not think it necessary. An attorney who has practiced at this bar for years, one of the best lawyers, civil or criminal, at this bar. But I am not giving that to clear my skirts, but to show my good faith. And, as I tried to say, I did it, furthermore, so that we, as attorneys for the defendant, would have the advantage of everything that was our duty to take advantage of, and I considered it, and I considered it every time, my duty to take advantage of everything that had gone before the grand jury, as well as the jury. I think that is what an attorney in that position should consider that he would not be doing his duty if he considered that this might be held by the supreme court as one of the grounds of reversal. I say that I consider that an attorney would not be doing his duty unless he did all these things. And with no disrespect to the charge of the court, but as my duty to my client.

Mr. Cobb—I do not know of any provision in the statute. I do not know whether there is or not. Judge Scott—Gentlemen, you are both young men and I do not wish to injure you. I know that sometimes attorneys, and especially young attorneys, sometimes old ones, in the flush of the morning, in a momentary excitement, say things and do things which are a reflection and which should not have been said or put on record. You say here that "the charge of the court, but as my duty to my client."

HAYDEN'S THURSDAY SALES

Big Rush on Hot Weather Dress Goods—Four-Hour Silk Sale.

HOSIERY, UNDERWEAR AND STRAW HATS

These Special Thursday Prices Mean More Than Most Special Sales—Below Average Prices that Will Save Money to the Purchaser—Coupons Given.

WASH DRESS GOODS. We were forced to increase our help in the departments of wash dress goods. Our immense selection and our low prices on wash goods are drawing new faces to our store daily.

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DANGERS OF DRESS.

How Men and Women Run Great Risks During the Summer in the Way They Are Clothed.

LOOTED A TRUNK.

Burglars Make a Successful Raid on a Boarding House.

At 3 o'clock yesterday morning the residence of Mrs. Tuttle, Nineteenth and California streets, was entered by burglars and about \$200 worth of property taken.

Protecting Cottolene. The N. K. Fairbank company of Chicago have lately brought suit in the United States court against W. L. Heller of this city for \$5,000.00 for infringement of the trade mark, "Cottolene."

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INNINGS. Score 9 to 0. That phenomenal buyer of ours pitched a game for the Nebraska the other day and won it hands down.

1st INNING—A line of all wool dark cassimere suits, dirt cheap at \$13.50. \$7.50. 2nd INNING—A load of all wool chevrot suits of dark gray mixture, worth not less than \$13.00. 7.50.

Nebraska Clothing Co. Now is Yours Chance for a Game—Whitewash Us. Elaborately Trimmed and Perfect Fitters.

CHOCOLAT MENIER. The Wise Man Drink. We make—Chocolat = Menier.

THE ALOE & PENFOLD CO. 1408 Farnam Street. THE LION DRUG STORE. We make—Trousers.

Chas. Shiverick & Co. FURNITURE OF EVERY DESCRIPTION. 1206-1208 DOUGLAS ST. MILLARD HOTEL BLDG.

INDAPO. Made a well Man of Me! THE ALOE & PENFOLD CO. Headache, Caused by Eye Strain.

GUION STEAMSHIP CO., Limited. NEW YORK and LIVERPOOL. THE ALOE & PENFOLD CO. Headache, Caused by Eye Strain.

TRY A MERCANTILE. EXACT SIZE THE MERCANTILE IS THE FAVORITE TEN CENT CIGAR. PERFECTO! THE IRON BANK.