

## THE ILLUSTRATED BEE.

Published Weekly by The Bee Publishing Company, Bee Building, Omaha, Neb.

Price, 5c Per Copy—Per Year, \$2.00.

Entered at the Omaha Postoffice as Second Class Mail Matter.

For Advertising Rates Address Publisher.

Communications relating to photographs of articles for publication should be addressed, "Editor The Illustrated Bee, Omaha."

### Pen and Picture Pointers

**H**AVING served continuously as a judge of the United States district court in Iowa for more than twenty-one years, Judge Oliver Perry Shiras of Dubuque will retire from the bench to private life on November 1, and President Roosevelt is expected to soon announce the appointment of his successor. Judge Shiras is a cousin of the Judge Shiras who is on the United States supreme court bench by appointment from Pennsylvania. He was born in Pittsburg, October 22, 1833, and received a good education early in life. He was graduated from the Ohio university at Athens and from the Yale law school. He removed at once to Dubuque and in August, 1856, he was admitted to the practice of law and formed the partnership of Bisrell, Mills & Shiras. His law practice was interfered with by the war, for he entered the Twenty-seventh Iowa volunteers as a lieutenant in August, 1862. He was assigned to duty on the staff of the late General Francis J. Herron, and in this capacity served in 1863 in the campaigns of the Army of the Tennessee in Missouri, Arkansas and Louisiana. In 1864 he resumed practice in Dubuque in the firm of Shiras & Van Duxee, which was joined a year later by Colonel David B. Henderson. Judge Shiras was highly successful in the practice for many years and in 1882 he was appointed to be judge of the United States district court for the northern district of Iowa. As such he presided over courts at Dubuque, Sioux

City, Cedar Rapids, Fort Dodge and elsewhere in northern Iowa. He has also sat as a member of the court of appeals for the Eighth circuit and has held court in many other places. Judge Shiras is a modest man, polite and cultured, popular with the people and with the lawyers, and his retirement from the bench is a source of great regret in the entire district where he had presided so long. He was always regarded as an eminently fair and impartial judge and no suggestion of either weakness or wrongdoing ever attached to him or his court. His name was frequently considered for an appointment to the supreme bench and his friends always felt that he would have been added strength to that body.

As a member of the court of appeals for the Eighth United States circuit Judge Shiras heard the famous case against the Transmissouri Freight association, involving the question whether the Sherman anti-trust act applied to railway companies, and, if so, whether combinations between railroad companies for the purpose of maintaining certain freight rates were lawful under the provisions of that act. The two other members of the court, one of them Judge Thayer, who recently wrote the opinion in the Northern Securities case, held that the written contract entered into by the railway companies was not unlawful, because the rates fixed in it were not shown to be unreasonable. Judge Shiras, dissenting, held that the Sherman act did apply to railway companies, and that it forbade their entering into any arrangement for the purpose of avoiding competition among them. The supreme court supported him and reversed the judgment, though the judge's own brother voted in the minority against his view. No federal judge in the west has so wide an experience in trying cases in which Indians were interested as Judge Shiras. In a celebrated case, in which a Sioux chief, having killed an officer a few days before a peace treaty was made with his tribe by General Miles, was subsequently arrested and tried for murder, the judge made the jury acquit the Indian, holding that the

convention made with his tribe by General Miles bound the government and the courts to forgive the crime. In a frequently quoted pension case he held that the state laws do not apply on the matter of pensions, a subject wholly controlled by the acts of congress. The United States supreme court upheld this view. It has been the subject of much comment that so able a jurist remained on the district court bench. He is one of the few district judges who occasionally sit as a member of the circuit court of appeals, and it is believed that had he been chosen he could have been promoted years ago. He is popular, and the Dubuque Bar association is preparing a demonstration in his honor on his retirement.

Colonel James Rush Lincoln, who is in command of the Fifty-fifth regiment, I. N. G., in the maneuvers with the regulars at Fort Riley, Kan., has been a military man all his life. As a boy he joined a troop of cavalry from his native state, Maryland, and became a lieutenant in the confederate service. About twenty years ago he was elected to be military instructor of the cadets at the Iowa State college at Ames, and he continues in that position to this time. On the breaking out of the war for the freedom of Cuba the four Iowa regiments were called into the volunteer service and Iowa was accorded one brigadier general of volunteers. Colonel Lincoln was nominated for this place and had the backing of the governor and entire congressional delegation and was commissioned a brigadier general. On his return to the State college at Ames and the work of reorganization of the Iowa National guard was commenced, there was a unanimous call from the members of the Fifty-first Iowa that Colonel Lincoln should become the commander of the reorganized regiment. He consented and was commissioned. Later the number of the regiment was changed and it is now the Fifty-fifth to distinguish it from the regiment of volunteers which saw service in the Philippines. Colonel Lincoln has had wonderful success as instructor at the State college,

and his work is regarded of great value to the young people of Iowa. He is much consulted with reference to matters in the national guard and is a member of practically every military examining board called. He has four sons who are following the profession of arms—all in the regular army—a captain, a first lieutenant, a second lieutenant and a private.

In the passing of Tom Murray one of Omaha's most unique figures faded from the scene of activity. For he was an active man all his life in Omaha, and, though he never took a very large part in the affairs of the city, he was identified to a much greater degree than is generally known with the development of Omaha. He came here among the earliest, and for many years was a more or less prominent factor in business life. His retiring ways and eccentric methods to a large degree isolated him from social intercourse, but by those with whom he came in business contact he was esteemed as an honorable and upright man, just in his dealings, exacting every farthing of his due, but paying every farthing of his debts. His faith in Omaha never wavered, even after the unfortunate wave of depression had swept away every vestige of the very considerable fortune he had amassed. His downfall financially was due to his confidence in the city where he had made his home and done his life's work, and where he finally died. As an outcome of his eccentricity no photograph or other portrait of the man was ever made, and the only pictorial record left by him is a stereoscopic view of the Grand Central hotel, taken a short time before its destruction by fire in 1878. It shows the building which Tom Murray made his home, on the lot where the Murray hotel now stands.

One of the many amateur base ball teams of Nebraska is the Fowlers of Fremont. This team gained much local celebrity during the last summer by the general excellence of its work, and won a warm place in the hearts of its supporters by the quality of ball presented.

## Episodes and Incidents in Lives of Noted People

**I**NVENTOR EDISON got so busy a short time ago that he neglected shaving, and the result was a billy-goat stubble on his chin. He is fond of a chew of tobacco and when immersed in thought or chemicals does not have time to expectorate and wipe his mouth. Neither does he like to swallow the saliva. So as he chews the juice of the weed seeps through the corners of his mouth and trickles down his chin to his whiskers and down his whiskers to his shirt front. His wife has thought seriously of buying him some rubber bibs.

Shortly after he was elected president of France M. Loubet offered a large sum for the castle of Mezeac, which once belonged to Diana of Poitiers, the favorite of Henry II. His offer was refused at the time, but recently he succeeded in getting the chateau, which is most picturesquely situated, near Montellmar, and has a waterfall, three ponds filled with trout and a large park with plenty of game. The price paid was 170,000 francs. From his tower the president can now see his birthplace, Marseilles, where his mother still lives.

According to the Charleston News and Courier a son of the late Major Wade Hampton Gibbs of Columbia, S. C., says that it was his father who, as a lieutenant, fired the first gun, a signal gun, at the attack on Fort Sumter, Charleston harbor, on the morning of April 12, 1861. He writes: "At Lieutenant Gibbs' battery the signal gun was aimed to burst a shell high in the

air; another gun was carefully aimed at the fort, and the wires were laid ready to explode a mine under an old house in the way. As nearly as possible these things were done simultaneously. Now which of the three shots fired at the fort from the three separate mortar batteries by Captain James, Mr. Rufin or Lieutenant Gibbs' battery was the second shot no man may certainly say."

Justice Hawkins, the distinguished English barrister and jurist, says that his first brief was to defend one of two men charged with coining, and when they were placed in the dock he overheard a brief colloquy between them. Colner No. 1 told his comrade that he was to be defended by a very good man. Colner No. 2 said he also was defended. He did not know the gentleman's name, "but"—indicating Mr. Hawkins—he added, admiringly, "he's a smart 'un. When I handed over the fee he put the thick 'un"—i. e., sovereign—"between his teeth and bit it. He's the chap for my money."

The battleship Texas, now berthed in the Brooklyn navy yard, has been equipped with a fine bath for the officers. Mr. Quimby, executive officer of the ship, took one of the blue jackets to instruct him how to operate the new acquisition. After a thorough explanation Mr. Quimby stepped under the shower and moved both faucets not knowing that the water connection had been made. He was soaked to the skin in a moment. The sailor remarked, gravely: "I think I can work it now, sir." Mr. Quimby looked at him sharply, but the man

never cracked a smile—until he had rejoined his messmates.

Mme. Nordica, the operatic vocalist, who has just been awarded the Bavarian gold medal—an honor bestowed only on those who stand at the front rank of artistic life—is an American by birth, though most of her great professional triumphs have been scored in Europe. Though very fond of her native land, she has been compelled to pass much of her time abroad. The great prima donna is gifted with a strong sense of humor and she is fond of telling the story of an adventure which befell her at a concert in Texas. Forgetting her overshoes, she asked a cowboy to fetch them for her. As he brought her first one and then the other the charming singer regretted that he should have so much trouble, but her apologies received the pretty reply: "Don't name it, ma'am; I wish you were a centipede!"

Rear Admiral Louis Kempff has been ordered to his home in Belleville, Ill., preparatory to his retirement from active service next Saturday, when he will have reached the required age. Admiral Kempff has been in the navy forty-six years, of which twenty years were spent at sea. Among the most notable acts in his career was one for which congress thanked him. When commander of the United States fleet in Chinese waters in 1900 he refused to take part with the allied fleets in bombarding the forts at the mouth of the Taku river, China. He did not think the bombarding

was justifiable or expedient and congress took the same view. Admiral Kempff is perhaps the only American officer to be officially thanked for refusing to fight.

The magnanimity of General Robert E. Lee, relates Youth's Companion, is well known, but the daily manifestations of it are not yet all told. One notable case has, it is believed, never before appeared in print.

General Lee was sitting on the veranda of his Lexington home one afternoon, engaged in conversation with some friends, when a man, ill clothed and covered with dust, appeared at the gate and timidly beckoned to the general.

Apologizing to his friends, Lee rose at once and went to the gate. Very soon his purse appeared and he was seen to give the man some money.

His friends, knowing the extent of his charity in any case of suffering, real or apparent, looked on with some impatience, for they knew how slender his means were then, and how many calls of the same kind came to him.

"General, who was that?" one of them ventured, when he had returned to his place.

"One of our boys in trouble," was the half-smiling answer, for the general knew the remonstrance which his friend was longing to make.

"What regiment and company did he belong to?" persisted his friend, anxious if possible to unearth the suspected fraud.

"Oh, he—he fought on the other side," was General Lee's calm answer.

## Gleanings From the Story Tellers' Pack

**H**ENRY B. F. MACFARLAND, president of the Board of Commissioners of the District of Columbia, is a fine looking man, smooth shaven, with iron gray hair, reports the Saturday Evening Post.

The first time Mr. MacFarland, in his capacity of commissioner, went before the appropriations committee of the house of representatives to urge some item in the district supply bill, he found "Uncle Joe" Cannon, the chairman of the committee, sitting on the small of his back, smoking a cigar and looking at the ceiling. Mr. Cannon rose, greeted Mr. MacFarland, and then resumed his former attitude. The argument was made. Mr. MacFarland paused for reply.

Mr. Cannon puffed on his cigar for a moment. Then he said: "Young man, I've been watching that face of yours. If I had it I'd bet I wouldn't be afraid to play poker with any living man."

A village sexton in a Pennsylvania town, in addition to being gravedigger, acted as a stonecutter, carpenter, and furniture mover. The local doctor, having decided to locate in another county, employed the sexton to assist in removing his house-

hold goods. All went well until it came to settlement, when the doctor deducted an old account due by the sexton. He wrote at the same time objecting to the charge made for removing his furniture, using these words: "If this was steady it would pay much better than gravedigging."

In a few days back came this reply: "Indeed, I would be glad of a steady job; gravedigging is very slack since you left the county."

Congressman George B. McClellan relates this adventure, which might have had a more serious ending had it happened in New York instead of Washington:

"One night when I was walking down Pennsylvania avenue," said Mr. McClellan, quoted by the New York Times, "I saw a big policeman standing on the corner, acting in a suspicious manner. He held one hand behind his back, as if he were concealing something. Just for the fun of the thing, I approached and asked him: 'What have you there?'"

"For an instant he looked startled, and then, quickly bringing his arm around in front of him, said:

"It's an apple; have a bite?"

"No, sir," I said sternly. "Don't you

know who I am?"

"Don't know you from a lamp post, sir."

"Well, I am Congressman McClellan."

"Is that so? Then take half of this apple. I suppose if you were a senator I'd have to give you the whole of it."

Dr. Parkhurst delivered himself of a story in the course of his sermon in the Madison Square Presbyterian church, New York, last Sunday. This is the story:

"An African chief became converted and moved to London, where he wore fashionable clothes and behaved in every way as an irreproachable man. One day he was giving a lecture in a church on the advantages of a peaceful, civilized life. His collar did not fit well, and in attempting to adjust it he tore open the buttonhole.

"The ripping shirt band brought back all his old savagery, and he shouted out that civilization was all a sham and he wished he was back in his old life. Whereupon he pulled off his collar, his coat and trousers, and finally stood in the garb of the unadorned savage. Then he set fire to the church and took to the woods.

"If his buttonhole had been a little stronger," added Dr. Parkhurst, "he would probably have remained an irreproachable

man the rest of his life. That's the way with much of our civilization and virtue. A very small thing will reveal the real conditions."

James R. Mack, a Philadelphia attorney, tells this reminiscence of his law practice in Ohio:

"One Sam Johnson, a negro, was indicted in Cincinnati, charged with the theft of a ham. Johnson was stiff-necked, for the only witness against him was a man of his own color, and 'one nigger's word is as good as 'nuther's,' said Sam. 'He'll swear I did, an' I'll swear I didn't.' The case came up for trial and the indictment was read: 'The State of Ohio against Samuel Johnson, defendant,' etc.

"As he listened, Johnson grew nervous, and at the demand of a plea, rose to his feet, ignoring the counsel assigned to him.

"'Youah honah,' said Johnson, 'I've not been treated right, nohow. I t'ought dar wuz only one nigger 'gainst me, an' heah's de whole state ob Ohio. I wuz not 'feared ob dat nigger but seen me hook de ham, but I've got no show now. De whole blame state 'gainst me's too much. Yessir, I took de ham. I pleads guilty. But I'd like to know whar all de watchers wuz hidin', I suttently would.'"