

“THE HIGH OLD COURT OF IMPEACHMENT”

BY

DEWITT C. COOLEY

FOREWARD

BY

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It is not hard to imagine DeWitt Clinton Cooley chuckling to himself or shaking his head in disgust throughout the impeachment trial of Judge Sherman Page. He was contemptuous of what he saw—the pomposity of Minnesota politicians, the greed and malleability of its citizens, particularly newly-arrived immigrants, and the power of an irresponsible press.

Page was tried by the Minnesota Senate in June, 1878, and shortly thereafter,¹ Cooley published a three-act play called “The High Old Court of Impeachment.”² It is a farce, a type of theater emphasizing comedy, satire, buffoonery, horseplay and caricature. Cooley’s play has all these

¹ 1878 is the copyright date on the title page of the pamphlet.

² This is a take-off on how the Senate described itself. See *Journal of the Senate of Minnesota, Sitting as a High Court of Impeachment, for the Trial of Hon. Sherman Page, Judge of the Tenth Judicial District* (St. Paul: Ramaley & Cunningham, 1878)(3 vols.). The three volumes are commonly cited as *Trial of Page*.

elements, and topical references besides, which makes some of its mockery hard for a modern reader to completely appreciate.³ By any theatrical standard, it is pretty bad. It was never produced, and probably was not intended to be.

The cover of the “The High Old Court of Impeachment” shows an owl with large ears, one marked “law” and the other “order,” perched on a file box around which are a half dozen barking dogs and scattered bank notes. Superimposed on the right is a strong box with door labeled “MORE COUNTY FUN-DS”—a reference to rumors about Mower County’s treasury.⁴

On the title page, the author’s name appears in capital letters: “P. E. R. SIMMONS.” Cooley’s pseudonym likely was an allusion to the persimmon tree whose fruit is sour when green but sweet and flavorful when ripe.

The script is 28 pages long. At the very end are six pages of advertising of St. Paul merchants and two lawyers. They probably were friends of Cooley and shared his views. The merchants were A. H. Strouse, a seller of dry goods, P. Boeringer, an optician, Garland’s Trunk Manufactory, Booth’s Ice Cream & Dining Parlor, the Lake Como Resort, Smith’s Homœopathic Pharmacy, F. Barnhozer’s North Mississippi Brewery, and The Galenic Medical Institute, among others. The lawyers were Henry F. Masterson and the playwright himself. Cooley’s office address was 112 East Third Street.

The impeachment trials of Sherman Page in 1878 and of E. St. Julian Cox

³ Cooley’s farce will be better understood if William Watts Folwell’s short piece on the impeachment trial is read first. See William Watts Folwell, III *A History of Minnesota* 400-408 (St. Paul: Minnesota Historical Society, 1969)(rev.ed.). There are references to Judge Page in “Judicial History” and “The Bar of Mower County,” which appeared first as chapters in *History of Mower County, Minnesota* (Mankato: Free Press Pub. House, 1884), and which are posted separately on the MLHP.

⁴ The cover of the pamphlet in the library of the Minnesota Historical Society is so dark and faded that it cannot be copied.

in 1882 were dramatic events.⁵ They were also traumatic. Afterwards, the leaders of the legal profession, including judges, realized that new means of disciplining and removing a judge who, like Sherman Page, lacked the temperament to be effective and respected, were needed. The result, over time, became a system of self-regulation by an agency, The Board of Judicial Standards, which not only disciplines wayward jurists, usually confidentially, but also protects and shields the judiciary itself from outside interference. After the trials of Page and Cox, judges in this state were never again subjected to the embarrassing spectacle of defending themselves before the state senate sitting as a “high court of impeachment.” When the history of this system of self-governance is written, Cooley’s lampoon may warrant a footnote.⁶

“The High Old Court of Impeachment” was not the first time that Cooley mocked the political establishment. In his history of St. Paul, J. Fletcher Williams recalled that in 1855, Cooley led a troupe of young men in a revue of the territorial legislature:

It was, during this year [1855], if we remember right, that some of the boys organized the “Third House” or *Sovereigns*, as a burlesque on the Legislatures of that day. They were continued

⁵ See *Journal of the Senate of Minnesota Sitting as a High Court of Impeachment for the Trial of Hon. E. St. Julian Cox, Judge of the Ninth Judicial District* (St. Paul: Printing House of O. G. Miller, 1882). As in the case of Page, the Senate published the trial proceedings in three volumes. They are commonly cited as *Trial of Cox*.

Folwell has an appendix on Cox’s impeachment trial. See William Watts Folwell, III *A History of Minnesota* 408-418 (St. Paul: Minnesota Historical Society, 1969)(rev.ed.). There is a reference to Judge Cox in “The Bar of Nicollet County,” which appeared as a chapter in *History of Nicollet and LeSueur Counties, Minnesota* (Indianapolis: B. F. Bowen & Co., 1916), and which is posted separately on the MLHP.

⁶ Of the many chapters in the legal history of this country, the one that may have the fewest pages is on the history of the discipline, and removal of judges and the discipline and disbarment of lawyers. Very little has been written on these subjects. It is hoped that someday the MLHP will post an article on these neglected but important topics.

several years, and produced great amusements. D. C. Cooley, was Governor, and his “messages” were admirable specimens of sarcasm.⁷

In a production of the “Third House” in 1857, “Governor” Cooley ridiculed the speculative fever that had taken hold of St. Paul. Over twenty years later, J. Fletcher Williams vividly recalled Cooley’s performance:

D. C. Cooley, “Governor of the Sovereigns,” in one of his inimitable messages to the Third House, recommended, with bitter irony, that a small portion of the land be reserved for agriculture, and not all laid out in town lots. There was almost some grounds for the advice.⁸

Though produced only a few times, Cooley’s “Third House” parodies became such legendary events that when he died almost thirty five years later, they were mentioned in his obituary in a local newspaper.

Frank Moore, a newspaperman, recalled Cooley’s humor and practical jokes in *Reminiscences of Pioneer Days in St. Paul* published a half century later:

One night there was a Democratic meeting in the [Concert] hall and after a number of speakers been called upon for an address, De Witt C. Cooley, who was a great wag, went around in the back part of the hall and called upon the untterrified to “Holler for Cooley.” The request was complied with and Mr. Cooley’s name was soon on the lips of nearly the whole audience. When Mr. Cooley mounted the platform an Irishman in the back part

⁷ J. Fletcher Williams, “A History of the City of St. Paul to 1875,” 4 *Collections of the Minnesota Historical Society* 356 (St. Paul: Minnesota Historical Society, 1876) (Reprinted by the Historical Society with an introduction by Lucile M. Kane in 1983).

⁸ *Id.* at 379n.

of the hall inquired in a voice loud enough to be heard by the entire audience, "Is that Cooley?" Upon being assured that it was, he replied in a still louder voice: "Be jabbers, that's the man that told me to holler for Cooley." The laugh was decidedly on Cooley, and his attempted flight of oratory did not materialize.

Cooley was at one time governor of the third house and if his message to that body could be reproduced it would make very interesting reading.⁹

By profession Cooley was a lawyer. In his recollections of the judges and lawyers of Ramsey County published in the *Magazine of Western History* in May, 1888, Charles E. Flandrau had this to say about Cooley:

DeWitt C. Cooley, a native of New York and a member of the bar of that state, settled in St. Paul in 1851. He had practiced in Texas and other southern states before coming to Minnesota. He practiced in St. Paul for a number of years, forming a partnership with Justin I. McCarthy, and was the second district attorney of Ramsey county. Mr. Cooley left the state at one time and resided in Pennsylvania for many years, but returned to St. Paul and has resided there for the past eight or ten years. He, however, has not been in practice.¹⁰

Flandrau might have said more. Cooley was one of several colorful lawyers in the territorial period. While he was the second county attorney,

⁹ Frank Moore, *Reminiscences of Pioneer Days in St. Paul* 58 (St. Paul: 1908)(the book is subtitled "A Collection of Articles Written for and published in the Daily Pioneer Press.").

¹⁰ Charles E. Flandrau, "The Bench and Bar of Ramsey County, Minnesota (Part II)," 8 *Magazine of Western History* 58, 63 (1888). This article is posted separately on the MLHP.

serving from 1853 to 1856,¹¹ he was also the first city attorney, serving in 1854.¹² Thus, during one year, he simultaneously held the top legal positions in both the city and the county governments.

Cooley died on February 16, 1891, in St. Paul, at the age of sixty-six. The following day, a target of his farce—“Miss Pinery Press”—paid tribute to him in an editorial:

DE WITT CLINTON COOLEY.

Another of the Pioneers Joins the Great Majority.

In the death of De Witt Clinton Cooley, who died at his rooms, No. 36, Forepaugh Block, at Seven Corners, yesterday afternoon, at 2 o'clock, St. Paul has lost another of its old settlers. He was born in Orange county, New York, on the 4th of July, 1824, and was sixty-six years of age at the time of his death. He received a through education in his youth, after which he devoted himself to the study of law, which he continued for five years. He was admitted to the bar of the supreme court of New York, in New York city, at the age of twenty-one. After this he went to Texas for the practice of his profession. He met with flattering success there, but his health failing him he removed to this city. Mr. Cooley had been in St. Paul but a short time when he was made town attorney—St. Paul not being at that time a city—and was afterwards made city

¹¹ In the election held on October 12, 1853, Cooley ran as a Democrat against David A. Secombe, a Whig. Cooley was elected county attorney by a vote on 600 to 537. Williams, *supra* note 7, at 346.

¹² He was appointed to this post on April 11, 1854, by the newly-elected city council. Williams, *supra* note 2, at 349.

attorney. During his service in this capacity he was made district attorney of Ramsey county. He was the first United States agent for paying pensions in this state. He was also appointed sole commissioner to draw up and revise the first ordinances of this city. He was a prominent lawyer and public speaker of St. Paul until 1864, when he left this city for Wilkesbarre, Pa. There he remained for ten years, returning to St. Paul in 1874. Judge Cooley, as he was familiarly called, was a writer of considerable ability. He was the author of many pamphlets on legal and other subjects, dramatic compositions, verse, etc. He will be best remembered by his legal work—"Cooley's Index and Digest of the Tax Laws of Minnesota," which was issued in 1879 and is considered a work of authority.

Judge Cooley was twice married, and both wives predeceased him in death. He leaves a son, Frank D. Cooley, who resides in St. Paul. His only daughter died in 1883.

His death was sudden though not entirely unexpected. His illness was brief, he having been confined to his bed only since Saturday night. His old friends will miss him, and all will hold Judge Cooley long to kindly remembrance.¹³

A notice in the morning *The St. Paul Daily Globe* was shorter but concluded with a near perfect description of his wit:

TO THE HIGHEST COURT.

Judge Cooley Called Beyond
Earthly Tribunals.

Judge De Witt Clinton Cooley, a resident of St. Paul since

¹³ *St. Paul Pioneer Press*, February 17, 1891, at 5.

1851, and an able lawyer, died at his home in this city yesterday, aged sixty-six years. Judge Cooley has had a career in this section of the country which marks him as one of its most energetic pioneers. Shortly after his arrival in St. Paul he was made town attorney. There was no city then, but Judge Cooley became city attorney when the town attained that dignity. He was also elected attorney for Ramsey county, and held both offices simultaneously. Judge Cooley is known as the originator and promoter of the third house of representatives of this state. He was sole commissioner to draft and revise the first ordinances ever adopted in St. Paul, and was also the first pension agent of the state. He was known as a master of sarcasm, a brilliant wit and raconteur and a fine writer. His death will be regretted by all the old settlers who knew him in the past.¹⁴

Cooley's biting wit was never more apparent than in the following farce. The six pages of advertising at the end of the pamphlet are omitted; otherwise it is complete. It has been reformatted. Page breaks have been added. Cooley's spelling and punctuation have not been changed.

¹⁴ *Saint Paul Daily Globe*, February 17, 1891, at 2.

THE
HIGH OLD COURT OF IMPEACHMENT,

—OR—

“AS GOOD AS A PLAY,”

IN

•

THREE ACTS

•

By P. E. R. SIMMONS.

[Entered according to Act of Congress, in the year 1878, by DeWitt C. Cooley, in the office
of the Librarian of Congress, at Washington, D. C.]

ST PAUL:
OSSIAN E. DODGE
COR. THIRD AND WABASHA.

DRAMATIS PERSONÆ.

MEN.

RESPONDENT *and his* COUNSEL.—MANAGERS *and* COUNSEL for IMPEACHMENT.—SPEAKER, MEMBERS, *and* OFFICERS of HOUSE, PRESIDENT, MEMBERS, *and* OFFICERS of SENATE.—COUNTY OFFICERS *and* RINGSTERS of MOWER COUNTY.—DUTCH JUSTICE of the PEACE *and* TIPSTAVES.—IRISHMEN, SWEDES, and NORWEGIANS.—MORE TAX-PAYERS, ETC., ETC.

WOMEN.

MISS PINERY PRESS, *commonly called P. P. for short.*

DEDICATION.

“Who laughs last laughs best;” And, as the Tax-payers of Minnesota are likely to be the last to laugh at the proceedings in the “High Old Court,” to them, this little comedy is respectfully dedicated.—THE AUTHOR.

THE
HIGH OLD COURT OF IMPEACHMENT,

ACT I.

SCENE 1. [*A Justice's Court Room.—Discovering Dutch Justice seated, and Tipstaves, with Huge Clubs, standing.*]

Dutch Just. Vare ish der brizoners! Pring in der goolbrits. [*Exit Tipstaves.*]

Enter Mob. [*Dragging in Page by the hair, ears, nose, etc., and striving to put about his neck a large brass collar, marked, "The Mower County Ring," which citizens and tax-payers, mixed with mob, strive to prevent.*]

Mob. Kill him ! Hang him! Burn him! Crucify him!

Dutch Just. [*Rapping on his table with a bung starter.*] Zilence dare in goort, you fellers, I zay! [*To Page.*] Vell shoodge, vot you zay now, apout dem leedle dings vot I hears dem zay apout you!

One of Mob. [*A Swede, with a voice in tone and inflection a la guinea hen.*] Yaw-re we-re kill-re him-re. He-re no-re good-re Swedee!

Second of Mob. [*A Norwegian, a la guinea hen.*] Yaw-gre we-gre kill-re too-re. He-gre no-gre good-re Norwegianee man-ee!

Dutch Just. [*Rapping*] Zilence, I zay dare in goort, you fellers vot makes zo mooch rumpus mit your moundts, already! You fellers petter looks out a leedle, and makes a leedle more [4] silence mit your noises, or maybe zome of you fellers gemmits derg goort for gondemp! [*To Page.*] Vell Shoodge, vot you dinks now apout dem dings! Vy doose you not zooner

pring on der drial lu;nd give your shoodgment against doe mans Molly Zoons, und zend him to shail, vare he vants to go, und vare he zhould orter pe long ago? Ungh ?

One of Mob. [*A Swede*] Him-re be-re tyrant-re ! Him-re no-re Sweed-ee.

Second of Mob. [*A Norwegian.*] He-re be-gre no-gre good-re man-ree for-gre Scandinavian-ee [Note.—*We have not consulted “the Professor of Northern European Languages,” as to whether the above are genuine specimens of Swedish and Norwegian, or “hog latin,” but it will be remembered that they are literal extracts from the report of this trial, made by the reporter of the P. P., and for which he was, afterwards, so long and cruelly incarcerated by Judge Page, in the dungeons of Licksillet, that he has not recovered his wits yet, and continues to look frightened, even to the present time.—ED.*]

Mob. [*All.*] Down with him! We don’t want any Judge.

Just. Vell Shoodge, vot you zays now to dot?

Page. [*With voice of raven, as per Ed. of P. P.*] “Fiat justitia, ruat cœlum.”

Just. Mine Got in himmel! you hears dot? Der Shoodge zays dot he fights mit der joostice—dot ish me—und dot he ruinate der ceilings—dot is der roof tops of mine coort rooms! [*Getting up and edging towards door.*] Vell Shoodge, I zees nodung for der lyers to lay der hands on, in your case, und dot you knows more apout dese dings dan ever I doose, zo I lets you joost dry yourzelf, und dot you prings on der drials zo zoon as ever you can. [*Exeunt—Mob shouting.*]

Scene 2. [*Street in Lickskillet.*]

Enter Mob. [*Fighting with Tax-payers.*]

Irishman. Ah, begorra! the Judge is too much for the whole pack of yeez, ye Babylynyans! The Judge, with his jaw bone, like Sampson, will slay the whole of yeez!

Mob [*Confusedly fleeing and crying*] Here he comes! Look [5] out boys, here he comes! Old Page is loose again! Save yourselves boys! Save yourselves !

Enter Pinery Press. [*Dressed like an old termagant women, in newspapers, inscribed in large letters, "Libel," "Slander," "Bribery," "Blood Money."*]

P. P. Cravens ! why flee ye before a supercilious donkey—a bigoted hypocrite—a contumacious misanthrope—a bombastic blatherskite—a vapory vesicle of verbose verbosity? [*Mob shout in derision.*] Hold, my friends: I am not speaking of myself; I am propounding no personalities of self individuality, but I am speaking of that impedimentary obstruction of human progression, which a blind exercise of the elective franchise has foisted, as a judicial adjunct, onto the “*omphalos*” of the judiciary of this commonwealth ! We thought you all knew your old aunty P. P., by the cerulean hues of her proboscis.

Office Holders. [*All.*] Hurrah for old P. P.! May her shadow never grow thinner !

Swede. Yaw-re, she-re hatee Pagee too-re.

Norwegian. Yaw-gre, shi-gre lie-gre moree on-re Page-re than-re anybody.

P. P. [*Aside.*] Vile Page ! on thee we'll press our libel blotter, and though thou now art white as ermine or falling snow, when ye come forth from 'neath our winding sheet, thou shalt be blacker than Erebus or sable, ebon night! [*Aloud.*] Friends, since justice is blind, and law unwilling, let us turn this hateful Page in our book of troubles, over to a court that is above both law and justice. Let our watchword, henceforth, be Impeachment! The Hat and Impeachment! [*Hands around her bonnet.*]

Swede. [*Putting money in hat.*] Yaw-re, we-re impeach-re him-re, for-re he-re be-re no-re good Swedee man-ee.

Norwegian. [*Putting money in hat.*] Yaw-gre, we-gre too-gre impeach-re Page for-gre he-gre no-gre always-re desigre for-gre Norwegian man-ee.

Off. Holder. [*Putting money in hat.*] Here, take the county taxes too; for if we can't get rid of this tyrant, we'll have to pay it all into the county treasury; and every one of us will have to settle up our accounts to the last farthing.

Mob. [*Shouting.*] The Hat and Impeachment! Hat and Impeachment! [*Exeunt.*]

End of Act I. [6]

ACT II.

Scene 1. [*The Hall of the House of Representatives.—Discovering Speaker, Members, Officers, Etc., of House.—Delegation of Mower County Officials,—Counsel for Managers, and Spectators, Reporters, with their*

legs hanging through the ceiling above, etc.]

Speaker. [*Rapping gavel.*] The house will come to order.

Mr. Metheglin. [*Metropolitan member.*] I move that the House goes into secret session.

Speaker. No objection being made, this House will now go into secret sessions. All persons, except Members, and Delegates from Mower County and their counsel, will retire. [*Spectators retire, and doors are closed.*]

1st Reporter. [*Speaking from above.*] I say Jim, wouldn't this be jolly if it wasn't so confounded dark? If we only had the noses of some of those old fellers down there, we'd have a regular illumination up here, wouldn't we?

2d Reporter. What, I'm thinking about most just now is what a go there'd be, if this lath and plastering should give way, and we should fall down among 'em.

1st Reporter. Well we'd have good soft, place to fall on. It wouldn't hurt much to fall on any of those heads.

Mr. Metheglin. [*With loud legislative voice.*] Mr. Speaker, in the name of the commonwealth, in the name of the universe and Mower County, in the name of justice, in the name of—of—what was I saying?—oh, yes, now I remember—well I impeach Judge Page of the County of Mower, aforesaid, be the same more or less. [*Applause from Delegates from Mower County.*]

Counsel for Delegates. Mr. Speaker, before we proceed, I would like to consult with my client, from Mower.

Speaker. No one objecting, leave is granted.

[Counsel goes over to Delegation, and whispers, during which time, Members eat pea-nuts and throw paper wads at each other.]

Counsel for Delegation. [Shaking his head and speaking to Delegates.] No, as yet, I can't see that there is anything in it. Page, you all say, is a, very able and honest Judge. [1st Delegate hands Counsel money.] Well, the more I think of the [7] matter [Shaking money in his pocket], the more there seems to be in it. Page has made himself so unpopular. [2d Delegate gives money to Counsel]. Why, yes, as I weigh the matter in hand, [He hefts the money in his hand.] the more it improves. I think you have about an even chance with old Page. The fact is, he hasn't got any friends. [3d Delegate gives money.] Gentlemen, [Shaking, alternately, money in both pockets.] you have filled both my hope and expectation, and all the requirements to enlist all my honest sympathies in your behalf, and to arouse all my indignation, hatred and resentment towards that tyrant Page. You have given me full proof of his guilt. Impeach him? Of course we will! I only wonder that it has not been done long ago. [Continues whispering to and receiving money from Delegates.]

1st Reporter. Oh, golly Jim, just look at the swag! We've done most of the lying to bring about this impeachment, and here this fellow gets more in one day, than we get in a year.

2nd Reporter. Yes, we. shake the bush and he nabs the birds. But you see Bill, [Kicking his feet.] we always go where glory awaits us.

Member from Brown. [Shaking a fifty dollar bill in his hand, and speaking excitedly.] Mr. Speaker, there's bribery in the air! This here rag was slipped into my sleeve last night, while I was asleep. I dreamed it was a five hundred dollar bill, but, in the morning, I found it was only a fifty, and although I can't read, yet I have reason to believe that it is some of that counterfeit money that they say this Page has brought up here, to corrupt this honorable body. I don't care about the corruption, but I call for an

investigation, as to whether this bill is good or not.

Speaker. No objection being made, the House will dissolve itself into a committee of investigation of the whole, on the bill introduced by the gentleman from Brown. [*Members go and look at the bill, and, whisper in the ear of the Member From Brown.*] Is the committee ready to report?

A Member. We rise, and report, that the bill is sound, although very much soiled from lager beer and hamburger cheese, since it has come into the possession of the member from Brown. We further find that the clerk of this House is a son of a publican, at whose house the member from Brown boards ; and we also find, that the bill in question was not intended as a bribe, but only as a Merrill Text Book thumb paper. [8]

Speaker. The report is accepted; and no objection being made, let the Bill introduced by the member from Brown, be put upon its passage—into the pocket of the clerk of this House and there remain on file, until the *prorisions* in the honorable member's *hotel bill* are repealed.

[*Counsel for Delegation returns to his former place.*]

Is the special committee on impeachment ready to report?

Counsel for Delegation.—The committee report that they have long and faithfully and impartially, examined the matters have submitted to them for investigation. That they sent for persons and papers and other things; all of which they have carefully weighed and considered, and that from the very valuable and weighty conclusive evidence they have had before them, they are, notwithstanding their great respect and regard for the accused, constrained to present articles of impeachment against the honorable Sherman Page! May the Lord have Mercy on him, for the committee can not!

[*Loud knocking outside, and cries, Let us in! Let us in!*]

Speaker. [*To Sergeant-at-arms.*] Who are those rioters out there?

Sergeant. Oh, its only some taxpayers, who want to get in to protest against these proceedings.

Mr. Metheglin. If that is all, tell them to go home about their own business. We are attending to this matter. Their part in the play don't come in yet.

Speaker. Order; the counsel for the Delegation from Mower County, has the floor.

Counsel for Delegation. Mr. Speaker, it has cost the most of the members of this committee, a great deal [*Shaking money in his pocket.*] to become unanimously in favor of the conclusions we have arrived at. At first, there did not seem to be a spot, on the character of the accused, bigger than a man's hand; but you all know the old adages, as to what perseverance, etc., will do, and as to what will make the mare go. It therefore was not very long, as we pursued the tortious course of this man, before what at first seemed but a mere mole hill of fault, began to magnify itself into a very mountain of iniquity. I must confess, sir, that I was perfectly shocked at the contemplation of the yawning abyss of misconduct, that our researches into this man's acts opened to our view, and I can assure you, sir, that so great is my esteem for that Judge, that no money, indeed [9] nothing on earth but my great love for the purity of the Bench, and abhorrence of what I had seen, could have tempted me to join in this prosecution.

[*Great knocking at the door without.*]

A Member. [*A Taxpayer.*] I rise to protest against these proceedings. Why should the state, already trampled down with taxeaters, be burdened with the costs of this expensive boy's play, at impeachment? I am a neighbor of

Judge Page, and know him and his accusers well, and I can truly say, that these persecutors of Judge Page, as compared with himself, are but so many “ring”-tailed monkeys howling at the sun! I ask the Members of this house, if they ever expect to convict him?

[*Cries of Order! Order !*]

Counsel for Delegation. The gentleman impertinently asks us whether we expect to convict Page, upon this impeachment? I would like to know, Mr. Speaker, what the question of conviction or no conviction has to do with a proceeding of impeachment? The precedents by no means establish the fact, that impeachment is ever intended for conviction. Was Warren Hastings convicted? Was Aaron Burr convicted? Was Andrew Johnson convicted? Was Justice Hubbell convicted? But if England and American and Wisconsin can have impeachments, why shall not the great and glorious and sovereign state of Minnesota have an impeachment also? No, sir, we do not claim that impeachment should necessarily be followed by conviction ; for the superior uncertainty that the judgment of a high court of impeachment has over the verdict of a petit jury, is one of the highest recommendations that make these exalted tribunals so popular in these modern times. We may not, and probably will not convict Judge Page, but in the name of “raw head and bloody bones,” won’t we scare him though? [*Terrible racket and knocking on the outside.*]

Mr. Metheglin. [*Excitedly.*] Mr. Speaker, in presence of the great—great momentary danger—danger, that we incur, every moment that we stay here—from the outside mob—mob that Judge Page has brought here—I move the previous question, that he be impeached instanter, and that we adjourn.

Speaker. As the Mower County ring, but more particularly Miss Pinery Press, and also some Members of the Senate, and the hotel keepers of St. Paul, seem to be pleased with having an impeachment of somebody, and no

one but Judge [10] Page objecting, it is decided that the Judge may consider himself impeached. It is hoped that no member will let transpire, or communicate to any reporter, any of our secret proceedings. This House will stand adjourned until the members can draw their pay and mileage, and go home and return on their free passes. The members will please leave their stationery and ink stands here until the close of the session. [*Exeunt.*]

END OF ACT II.

ACT III.

Scene 1. [*The Senate Chamber.—Discovering President, Members, and Officers of Senate.—Managers for the House and Counsel, for Managers.—Respondent and his Counsel.—Witnesses for Impeachment, with green ribbons tied on their ears.—Spectators, etc., etc.*]

President of the Senate. [*Rapping with gavel.*] The Senate will come to order.

Senator K. Luff. I move that this honorable body do now form and organize itself into a high court of impeachment for the trial and conviction of one Sherman Page, of whatever any body may allege against him ; and that said court be regulated and governed by the following rules:

1st. This court shall be known and entitled as, “The High Old Court of Impeachment.”

2d. All the members of the court, during its session, shall subsist on bread and water, and shall, each, not chew more than a pound of tobacco per day.

3d. That the length of the session of this court shall be entirely governed and measured by the size of the appropriation made by the state for the payment of the expenses thereof; and that this court shall last while the money lasts, and no longer.

4th. That this court shall use great care and economy in expending the appropriation made for its benefit; so that the whole of the same, as near as may be, shall be paid to the members of the court, and as little as possible to the witnesses. The members shall draw their pay at the end of each week, and the witnesses at the end of the session; provided there is any [11] balance of the appropriation left for that purpose. The court will reserve to itself the right to decide whether any witness has earned his pay, and act accordingly.

President. This court being fully organized, the crier thereof will now proceed to proclaim the same open for business.

Crier. Oh you ! Oh you ! All you good people of the County of Mower who have got anything against, or bad to say about Hon. Sherman Page, come into court, tell your story, and get your pay. The High Old Court of Impeachment is now wide open for business!

Counsel for Respondent. Mr. President, I move that the honorable Senator, Mr. K. Luff, be excused from participating in the proceedings of this honorable court. Mr. K. Luff was elected to the Senate upon express pledges, and for the sole purpose of casting his vote and influence for the conviction of Judge Page, in the event of his impeachment and trial. The Senate bears the same relation to this court that the caterpillar does to the butterfly; so that the honorable Senator was elected to this court by Judge Page's enemies and accusers, for the purpose of aiding in his conviction. If the humblest citizen is charged, in a justice's court, with even so slight a piece of misconduct as fishing on Sunday, he has a right to remove his

case, if he fears that the justice will do injustice, or to challenge any juror who holds such disqualifying bias as this honorable Senator has exhibited against the respondent; and yet, in this high court, one of its members, who holds his seat as a bribe for the misconduct he intends, and is anxious to perpetrate, insists on taking part in this trial, for the avowed purpose of carrying out his pledge to help, and do all he can towards the ruination of the hitherto fair name and reputation of a high judicial officer of the State. In the name of common sense—yea, in the name of common decency, I implore this obtrusive Senator to “sink into himself and be no more,” until this malicious persecution is over.

Senator K. Luff. I move that the matter proposed by the gentleman be referred to a committee of one, and that such committee report instanter.

President. No one objecting, the chair appoints the honorable Senator, Mr. K. Luff, such committee as aforesaid, with power to send for persons and papers, and with instructions to report immediately. [12]

Senator K. Luff. My—no— [*Reads from a paper.*] Your committee, after long and patient investigation, report as follows: [*Members throw paper balls at each other.*]

1st. That it would be improper for the honorable Senator to relinquish his place in this court, for the reasons assigned by respondent’s counsel, because other objections might be alleged against other members of the court, until there would be no one left to try the accused.

[*Members throw paper-balls, etc.*]

2d. Your committee cannot see how the honorable Senator K. Luff can draw his pay and mileage, unless he sits and acts as a member of this court; which all legislative experience has declared to be a reason for the retention of a seat, stronger than any disqualification whatsoever.

[Members *throw paper-balls, etc.*]

3d. Your committee are unanimous in reporting, that the honorable Senator K. Luff, being inclined to cleave unto his seat, should be allowed to clew himself thereon. [Members *throw paper-balls, etc.*]

President. No objection being made, and the majority of the ballots cast on each item of the report seeming to be in the affirmative, the report is adopted, and the honorable Senator, wax or no wax, is allowed to stick to his seat. The Court will now proceed to the trial of the impeachment of Hon. Sherman Page.

1st Manager. Mr. President, we don't come here to praise Judge Page, but to bury him. Judge Page is a great man, a learned man, and, I have no doubt, he would have been a good man, had he never went to Mower County. It makes us weep to read what the House of Representatives of his own state has said about him. [*He pulls out handkerchief, and wipes his eyes.*] But just hear what they say in their articles of impeachment. [*He puts on his glasses, and reads.*]

Article 1st. We charge said Sherman Page with obstructing the course of justice, by threats and intimidation, where he himself was accused ; with willfully and cruelly neglecting, while acting as judge, to try prisoners who, although never ready, may have been anxious about a speedy trial; and that [13] even when he, through judicial indulgence, has been allowed to try himself, he has still pursued the same obstinate and neglectful conduct, and permitted himself to go unwhipped of justice. [*Taking off spectacles and speaking.*] Oh, that we have ever lived to see the day that it becomes our solemn duty to conduct this just persecution against such a man as our old friend Judge Page! [*He weeps severely, and wipes his eyes—putting on spectacles, reads.*] Art. 2d. The accused has wickedly and selfishly claimed that judges are exempt from newspaper libels, the same as other people,

whether they assist the Mower County ring in their little works of “industry,” or not. [*Speaking with attempted eloquence.*]—Mr. President, the heart sickens at such a cat-log of crimes and moral deformities. To think that such a man, of such intellect and learning, should let the sin of obstinacy, like the worm in the bud, sitting on a monument, smiling at grief, play such fantastic tricks before high heaven, as make the angels weep! [*Striking an attitude.*] When a youth I knew him well. He even then would obstinately refuse to help us filch a watermelon! [*Nods his head and fiercely looks about him—then puts on glasses, slowly, and reads.*]

Art. 4th. The said Page has openly declared, that as a judge, he did not belong to Republicans, the Devil, nor any other “one-man” power, and has tyrannically and perversely refused to let anybody run his court but himself. He has even had the audacity to charge grand juries that they should do their duty, and petit juries, that they are under oath to find verdicts according to law and evidence; and has impertinently told county officers that they should not take more than double fees, and ought to pay over at least a decent share of the money they have collected.

Art. 5th. That the respondent has been repeatedly known to pass some of his constituents on the streets, in a haughty, proud and aristocratic manner, without stopping and shaking hands, as he was wont to do before election. [*Speaking.*]

The Psalmist has well said, lay up your treasures in heaven—put not your trust in princes—Republicans are ungrateful! Why should the spirit of mortals be proud? Yet see what a proud stomach this Sherman Page has got! [*Here he breaks out in tears—sniveling and talking.*] Great man. [*crying.*]—learned [14] man—[*sobbing.*]—ought to have known better than to have gone and done it. [*He reads hysterically, with hoarse voice.*]

Art. 9th. He has wantonly interfered with and endeavored to obstruct public riots.

Art. 10th. That this man, even when a boy, overturned an old woman's apple-stand in the public street ! A judge whose character is thus marked with every act which may define a tyrant, is unfit to preside over the free people of Mower County. [*Here he breaks down, in tears—wiping his eyes and wringing out his handkerchief.*]

Senator K. Luff. Mr. President, bowed down, as we all must be, by the emotions that the sad and lamentable eloquence we have just listened to has awakened within our bosoms, I move that, to give time for these feelings to subside, and out of respect and sympathy for Judge Page, this court now do adjourn until next week.

President. No one objecting, and this body having now been in session for two consecutive days, the motion will prevail. Members going home for the purpose of getting their shirts washed, will, for safe keeping, carry their stationery with them. [*Exeunt.*]

Scene 2. [*Senate Chamber.—Enter same persons as in Scene 1—Each Senator carrying a large bundle of clean clothes.—They take their places and seats.*]

President. [*Rapping.*] The court will come to order. The prosecution will now proceed with their evidence.

Manager Metheglin. May it please the court, the witnesses for impeachment, and those against it, are so numerous—in it fact being pretty much all of the male inhabitants of Mower County, who, when not subpoenaed by either party, have generously subpoenaed themselves—that in order to distinguish one set from the other, and to enable them to know themselves, the managers have tied green ribbons on the ears of the

witnesses for impeachment, which will serve, at the same time, as suitable badges of distinction, and as very appropriate ornaments ; as the color matches elegantly with the verdancy and simplicity of the [15] witnesses themselves. I will further state, that as all the witnesses for impeachment know, and will testify to one and the same thing, the managers propose to call and have them all sworn and examined at the same time. Mr. Officer, call the witnesses with green ear ribbons.

Crier. Oh you! Oh you! All you fellers with your ears done up in green ribbons, come into court.

[A large number of Witnesses with green ribbons on their ears, appear and arrange themselves before the Clerk's desk.]

Clerk. *[To Witnesses.]* Hold up your hands. *[Witnesses all hold up both hands.]* One at a time! *[They all, but one, take their hands down.]* No, no, I mean all of you hold up one hand. *[They all gather about the one with hand up, and seize his hand.]* No, not that way; each one hold up one of his own hands. *[Each Witness holds up one hand.]*

Dutch Witness. Vell den vy doosen't you zay so?

Clerk. There now. *[Swearing them.]* You, and each of you, do solemnly affirm, that in this matter and difference between Mower County and one Sherman Page, you will tell your story against said Page, whether the same be what you know or all you know, and more too; as you expect to get pay at the last day—of the session of this court? *[Taking his own hand down.]* All witnesses will remember that it is a rule of this court, that no witness will receive any pay unless he tells something worth hearing.

Manager. *[To Witnesses.]* Do you all know anything against Judge Page?

Several Witnesses. Yes, certainly, we all do.

Swede Wit. Yaw-re, Yaw-re.

Norwegian Wit. Yaw-gre, we-gre know-gre.

Dutch Wit. Oh, yaw, yaw, me knows der Shoodge all der dimes. Der Shoodge ish ine goot mans.

Manager. [*Impatiently.*] No, no, not answer that way. Answer all together, and only yes or no. When I turn my thumb up, [*Making the motion on the table*] you must all say Yes; when I turn my thumb down, [*Showing how.*] you must all say No.

Dutch Wit. Doose we den zay, Zimon says vipple vopple—doombs bees oop und doombs bees down? [16]

Manager. Oh, no; only yes or no. Now, all ready? Is Judge Page a tyrant? [*Turning his thumb up.*]

Witnesses. [*All in chorus.*] Ye-e-s-s-s.

Manager. Is he fit for a judge ? [*Turning his thumb down.*]

Witnesses. No-o-o-o.

Manager. There, that's it; now we can get along with "ease and safety." Did Judge Page ever obstruct justice by objecting to be tried by a Justice of the Peace? Did he ever fail to bring to justice one Mollison? And has he not refused to try himself in his own court?

Witnesses. Ye-e-e-s-s-s.

Manager. Did you ever hear the accused say that a newspaper had no right to abuse and libel a judge because he did not belong to the ring?

Witnesses. Y-e-e-e-s-s-s.

Manager. Did you ever hear the respondent say, that he wouldn't have the Devil, or any Republicans or any other "one-man" power sit with him on the bench?

Witnesses. Ye-e-e-s-s-s.

Manager. Did you ever know, that on account of any charge given by Judge Page, any Grand or Petit Jury of Mower County ever did their duty, or found any verdict according to law and evidence? Or of any officials of that county charging less fees, or paying over any money collected, on account of anything Page has said to them?

Witnesses. No-o-o-o.

Manager. I move that that answer be stricken from the minutes. We didn't want the witnesses to tell what the jurors and officers of Mower County have been doing; we only want to know if Page has been doing anything wrong.

President. Perhaps, then, the manager had better ask them that question.

Manager. [*Shaking himself.*]. Well, then, did you ever know of Page telling juries to do their duty, as they had sworn to do it, and county officials to charge less and pay more?

Witnesses. Ye-e-e-s-s-s.

Counsel for impeachment. [*Rubbing his hands.*] I thought we would get it out, notwithstanding the artifices and cunning of the respondent and his counsel. We would have all those who stand here opposing the course of law and justice, to know, right now, that by tampering with our witnesses

they cannot [17] escape this Nemesis of impeachment, whether their names be Hastings, or Burr, or Johnson, or Hubbell, or Page!

President. [*Rapping.*] Silence in court !

Manager. Is the respondent, since he has been judge, as sociable with his constituents as he was before election?

Dutch Wit. Vot you means by zoshible? Doose you mean dot he drink zo mooch peer mit der poys?

Manager. No, no; I mean, does he talk to those who voted for him, as much as he did before election?

Dutch Wit. Oh, yaw; zome dimes he dalks to dem more dan day likes to hear. Venever he dries dem for some leedle dings, he dalks to dem like ine Duitch ungle!

President. Well, well, Mr. Manager, have you any other witnesses?

Manager. If the court please, one moment. [*To witnesses.*] Do any of you know of the accused undertaking to suppress a riot that the people of Mower County had gotten up entirely on their own account, and without inviting the Judge to be present?

[*Witnesses all hang their heads and are silent. After a moment, Manager whispers to one of them—then speaks to President.*] I would say to the court, that, like John Sherman, none of the witnesses wish to remember anything about that riot. They say, however, that they didn't let Page interfere with it to any alarming extent.

President. Well, call your next witness.

Clerk. Next.

Manager. We have exhausted the male population of Mower County, and, therefore, can produce no more witnesses, unless the, court will permit us to call some mules and cattle we have subpoenaed?

President. If they are from Mower County, the respondent to save time, undoubtedly will admit, that they all will testify against him.

Manager. We, then, if the court please, will here rest. [*Sits down.*]

President. The respondent may now cross examine.

Counsel for Respondent. [*Cross-examining Witnesses.*] In all these fusses and difficulties that the quiet and orderly people of Licksillet and Mower County have had with this blood-thirsty Page, did any of them, for the sake of peace and [18] reconciliation, go to Page and try to reason these matters with him?

Dutch Wit. Oh, yaw, we all reazons mit him. Molly Zoon, he reazon mit him, und Igman Zoon, he reasons mit him, und day all reazons mt him.

Counsel for Respondent. In reasoning with Page, what did they say to him?

Dutch Wit. Vy day all dells him dot he ish ine dampt old fool, und it doose him no goot, for he gets ever zo madder dan he was pefore, all der zame.

Counsel for Respondent. [*To Witnesses.*] Did you pay anything towards a fund for the purpose of paying counsel to secure impeachment and carry on this trial?

Witnesses. [*All in chorus.*] Ye-e-e-s-s-s.

Counsel for Respondent. Did you each pay from twenty-five to one hundred dollars towards that fund, and all agree to stick to the same story?

Witnesses. Ye-e-e-s-s.

Counsel for Respondent. Most of you have been before Judge Page for something; and all of you have made trouble with him, and are, therefore, his enemies.

Counsel for impeachment. We object—don't answer—the question is leading, and the witnesses are not compelled to criminate themselves!

Counsel for Respondent. [To President.] Well, as there is no question about the matter I spoke of, and as I did not ask any question, I suppose we have the privilege of waiving it. [To Witnesses.] Did any of you ever say anything to Mollison, about his not being tried?

Irish Wit. Och! and bedad we did.

Counsel for Respondent. What did you say?

Irish Wit. And sure I told him that Judge Page would do justice by him.

Counsel for Respondent. And what did he say to that?

Irish Wit. Arrah! by the showl of me, he said that was jist what he was after fearin!

Clerk. Next!

Counsel for Respondent. [To Witnesses.] Was Miss Pinery Press present at the riot spoken of?

Dutch Wit. Naw, der old voomans, he vas not dare, poot he zends der leedle poy vot day calls Deek. [19]

Counsel for Respondent. What did she send Dick for?

Dutch Wit. Zo dot Shoodge Bage, he boots him in shail.

Counsel for Respondent. Did you see Pinery Press after that, and what did she say?

Dutch Wit. Oh, yaw, me zees him und he pees ever so madt as der very duyvels. He zay den, dot if he has to dell lies zo pig as ever he can dell, dot he zhurely have Shoodge Bage's shoodishal buddicks raised oop from his shoodgment zeat mit ine impeachments.

Clerk. Next!

Counsel for Respondent. [To all the Witnesses]. You had rather not have any Judge at all, down in Mower, I suppose?

Witnesses. [All in chorus.] That's what's the matter with Hannah!

Clerk. Next!

Counsel for Respondent. Mr. President, the respondent will here rest. We have a flock of witnesses to establish the innocence of the respondent, but as the prosecution has already done that for us, and our witnesses began to inquire whether impeachment trials would attend to their farms and business, and pay their taxes, we have concluded to let them return to their homes without being called on the stand to contradict their neighbors, who, it is hoped, will never again allow themselves to be made the dupes of knaves and shysters. I will further say, that as no evidence has been produced in support of article ten, I now move that said article be stricken

from the articles of impeachment.

A Member. I propose that we go into secret session, for the purpose of considering that motion.

President. No objection being heard, the motion to go into secret session is adopted. The lobby and galleries will be cleared of all persons who are so unfortunate as to have nothing else or nothing better to do, than to hang around this trial. [*Exeunt Spectators.*] The High Old Court of Impeachment will now go for a little secret session. [*Exeunt omnes.* [20]

Scene 3. [*Senate Chamber.—Enter same persons as in Scene 2—all wiping their mouths with pocket-handkerchiefs, and chewing lemon peel.—They take their places and seats.*]

President. [*Rapping.*] The court, during secret session, has resolved, that the tenth article shall not be stricken out, for the following reasons: The fifth article charges that respondent does not, since he is Judge, speak to and shake hands with his constituents, the same as he was wont to do before and during election. The tenth article charges, that the accused, while a boy, overturned, in the street, an old women's apple-stand. Although there is offered no evidence in support of article ten, yet it has been urged by counsel, and the court has decided that the point is well taken, that the two articles, like the Siamese twins, are inseparably bound together, and mutually support each other, so that they both have to stand or lie down together. This reasoning is very obvious. A boy who would turn over an old-woman's apple-stand, would be very likely, when he came to be a man and a Judge, to put on just such haughty airs as the fifth article

alleges; while a Judge, who would put on such airs towards the voters who elected, him, must have been the very kind of iconoclastic youth who would delight in casting down an old apple woman's household gods, in the shape of pears and peanuts. The motion to strike out is denied. The counsel for impeachment will now proceed with their arguments.

Counsel for Impeachment. Most potent, grave, and reverent seignors, my most approved and right good masters. You that have tears to shed prepare to shed them now. If I do not, before I sit down, make it clear to your mind's eye that this impeachment is well taken, and that the accused is guilty of each and every charge alleged against him, let the constitution of our commonwealth be rolled up and consumed like a scroll—let the laws of the land perish in obsolescence—let the scales of the goddess of justice fall from her hands, and the impartiality of her blindness be substituted by a pair of glass eyes! Let liberty perish, and chaos come again, while ruin, from the mountain tops, howls the requiem of expiring freedom!

The respondent stands here, accused of attacking the liberties of the press—of obstructing justice—of attempting to overthrow established habits and customs respecting the management and conduct of our courts, and the affairs and duties of county [21] officials, and of introducing new and more aristocratic regulations therefor. He is charged with shunning and contemning, and even trying and convicting the very people who elected him to office; of impertinently meddling and interfering with a riot that the people had stirred up expressly for their own private benefit and amusement; yes, and to cap the climax of his iniquities, it is even charged, that while yet a boy, he overturned an old woman's apple-stand! Behold what a pyramid of criminal deformity! lacking nothing, to complete the whole catalogue of transgressions, but that it shall be bathed in blood!

Our constitution provides that the freedom of the press shall forever remain inviolate; and what, pray, is the freedom of the press? Is it not that license that custom has given to newspapers, to say whatever they please about

everybody and everything? And is a man, simply because he is a paltry little judge, to be allowed to trample under foot a right so sacred and valuable to the editor and reporter? Perish the thought forever!

But, not content with trampling on the freedom of the press, contemplate the spectacle of a high judicial officer obstructing the course of justice! It is true that Mollison was never ready nor anxious to be tried, and that the judge, being in some way interested, could not well sit in the case, but why, in the name of heaven, if he could not try him himself, and Mollison would not let anybody else try him—why, I say, did he not discharge the prisoner? Aye, gentlemen, that is the question; why? and echo answers why!

Think, too, of a judge, who is elected by the people, as soon as he is installed in office, proclaiming that he is judge, and intends to run his court alone, without the aid of the republican party or any “one-man power;” yea, or even the devil himself! How would even the Supreme Court at Washington get along if it should place itself under the restrictions of such a voluntary curtailment of all outside counsel and assistance? Well might the good people of Mower County have felt alarm at such a revolutionary announcement, since it at once disfranchised most of them and their friends from even holding the office of tipstaves in this autocratic court!

In Mower County, as is well known, and as we have here proved, the county officials, by long and well established custom and habit, have adopted the convenient usage of running the county affairs in their own way. Feeling that the official [22] fee-bills were disagreeably restricted and defined, having been prescribed by legislatures, one-half of whose members, perhaps, had never held a county office, so as to know how it is themselves, the county officers of Mower have, from time to time, generously enlarged those fees ; and feeling, also, that it would be more in conformity with commercial law to have a “few days” of grace apply to the legally prescribed time for the settlement of their official accounts, either

with private persons or the public, they likewise, in this respect, have been in the habit, of showing their liberality, by settling up whenever and as soon as they get good and ready. But lo ! this Page came among them! Where all had been serene and lovely, soon all was turmoil and prescription! Soon the tyrannical fiat went forth it, that not more than double fees would be allowed, and that every official must try, once in a while, to settle up, either in cash or by giving his promissory note. When you consider, gentlemen, that all this body of much-trusted officials had done their duty to the very letter, in making collections of either judgments or taxes, you may imagine what a ruthless bombshell this supercilious judge was guilty of casting among them! But innovations like this, gentlemen, are always the work of the tyrant and usurper; and well might the officers of Mower County, in the language of the poet, have exclaimed

Oh, for impeachment of the slave,
Whose spying eye, both day and night,
Watches every ring and knave,
And “knocks them higher than a kite.”

Oh, my countrymen, that this was all! That this was the last item in the catalogue of this benighted man’s iniquities! Yet still the accusing angel proclaims against him! The trial by jury—that palladium of our liberties—was not safe from his insatiate jaws ! Like a second Jeffreys, he has the audacity to tell the Grand Jury of Mower County, that they were sworn to do their duty, and the Petit Jury, that they were under oath to find verdicts according to law and evidence! Are we, in this nineteenth century, in the free State of Minnesota, to be told that juries are not at liberty to act according to the dictates of their own consciences and feelings? Tell me where, outside of Mower County, has ever such a harsh rule as this been prescribed, or expected to be acted upon? [23]

Hitherto, we have conceded to the accused great ability and learning, and, therefore, we now approach with great reluctance the charge that he is

guilty of ignorance of the law and his duty, in attempting to interfere with a popular riot. That his participation in the riot in question was from his ignorance of the law, more than from his native ferocity, is made evident from our deep researches into the ancient learning upon this subject. We cite and quote from the high and venerable authority of Dogberry, that in case of riots and robberies, or other amusements in the streets, no other conservator of the peace should approach, or make any arrests; and if any participant therein, unfortunately falls into his hands, that he should immediately release such prisoner for the very excellent reason, as Dogberry wisely says, that it is bad to be seen in company with thieves and breakers of the peace. But of this high authority Judge Page was criminally ignorant, or he never had been, on the occasion in question in such company as he thrust himself into in Mower County. Yet what can you expect of a man whose education and manners have been so neglected when a boy that he should then be guilty of the crime, and at last, when a man and a judge, come to be impeached for overturning an old woman's apple-stand? Alas! for neglected youth, and human depravity!

But, gentlemen although this usurper does turn over apple-stands, does ignorantly meddle with riots, obstruct justice, and destroy the utility of juries, still it is your duty to let him know that he can quell no riots here; that here are no apple-stands for him to over-turn, and that you are a jury above his law and instructions ; and that, although he may banish Justice from his own petty court in Mower County, yet, that she still sleeps in your bosoms, and has a resting place in this high old court of impeachment.

Clerk. Next!

President. Are the counsel for respondent ready to proceed with their argument?

Counsel for Respondent. We wish a little time for consultation. [Counsel and Assistant Counsel and Page consult together,—Assistant Counsel

hands Page a huge bundle of manuscript, which Page rapidly turns over and examines, and then throws down on the table.] [24]

Assistant Counsel. [To Page.] Well Judge, what shall I do with it?

Page. Oh burn it! [*Members throw wads.*] [*Exit Assistant Counsel with manuscript.*]

President. [*Rapping.*] Well, gentlemen, proceed.

Counsel for Respondent. Mr. President, and gentlemen of the court,—I find myself somewhat embarrassed and unprepared in being thus suddenly called upon to address you. One of my brother associates, who has just retired on account of sudden illness, was expected to have preceded me, and had fully prepared himself with a complete and most lengthy written argument, which, from the fervor of its composition, I have no doubt, had it been delivered, would have heaped coals of fire upon the heads of the respondent's accusers. Unfortunately, however, either by accident or spontaneous combustion, this valuable document, perhaps, by this time, is smouldering in its own ashes! I therefore shall be compelled to open the argument.

Never before, in the history of the anomalous proceeding and trial by impeachment, has that most august and solemn form of investigation been so debased and humiliated, for grovelling and trivial purposes, as upon the tedious occasion, which we are now about bringing to a close. We have been compelled to witness and take part in a spectacle that can be likened to nothing else than the invocation of the thunder-bolts of Jupiter to perform the office of the pop-gun! *Dare pondus fumo!* To gratify the spite of a pack of grovelling enemies, who *damnant quod, non intelligunt*, and the vanity and cupidity of a few puffy and conceited attorneys, who, for glory or gain, assume the role of managers, forsooth, a respectable judge of one of the highest trial courts in the state, who has been guilty of nothing that

would amount to a misdemeanor, or even an impropriety of which a justice of the peace would take cognizance, must be dragged forth before the world as the chief spectacle in an impeachment trial, wherein the judgment of the court, though it acquits the accused, always, simply by its notoriety, results in crucifying his character! These embryos of immortality, undoubtedly, have read of the trials of Warren Hastings, Aaron Burr, and Andrew Johnson, and by the jingling of the fees in some of their pockets, and the matchless eloquence or searching interrogation of others, we may estimate how nearly they have succeeded in their fancied rivalry of Burke, or Sheridan, or [25] Wirt, or Butler. It will be for them, hereafter, to learn from the people, when they come to foot the bills of these high proceedings, how far up these “imps of fame” have climbed in the temple; or, perhaps, how much better it had been for both the state and themselves, that they had, never heard of the misdeeds of Hastings, or the misfortunes of Blannerhasset! They may find out that in their aim at glory they have been trying an experiment, similar to that of the Irishman who undertook to shoot a squirrel with a gun without a breech-pin! He killed the squirrel and himself at the same time. *Dulce et decorum est pro patria mori* !

But what is all this silly boy’s play about? Why have we been compelled to sit here for weeks, yea, almost months, gravely watching and waiting for this impeachment mountain to bring forth what we all the time know will be only a “*ridiculous mus?*” Is it because the innocent accusers of Judge Page have any real grievances to complain of? or is it because they have such proud stomachs, or delicacy of nerves, or fastidiousness of taste, in the matter of judicial proceedings, wherein any of them may be called to account for any of their little, innocent shortcomings?

Already, everywhere in the state, a criminal has a little chance in our courts to assert his innocence. In the first place, no matter how great a rascal he may be, even in Mower County, he has the right to be tried by his equals or peers. If he kills a man he has the right to swear to an alibi, although the dead man is not allowed to say a word. He can challenge every juror called

who can read a newspaper, or has mind enough to form an opinion, or who has such impertinent curiosity as to inquire of any murder that has been committed in his vicinity. Then the law mercifully gives the prisoner the benefit of all reasonable doubts, even of his innocence, and his attorney the last word; for the reason, perhaps, that the prisoner, very likely had the last word at the time of the little unpleasantness with the deceased, and, besides, the last word will now do the dead man no good! But it seems that the persecuted, innocent people of Mower County, who find much fault with Judge Page, require some further guarantees than all these for their safety. Perhaps they would prefer to give the prisoner the right to select the jury, and put himself on as foreman! Even Mollison, with such a jury, might have been reconciled to Judge Page's judicial tyranny. But as to the county officials, and those patriotic [26] citizens of Mower, who, for the purpose of preserving the purity of the judiciary, have so generously put their hands into the pockets of the tax-payers of the state, in furtherance of this impeachment, it may well be doubted, that they would be suited with any sort of judicial system, short of a Stoughton bottle, for a judge, and twelve beer glasses for a jury!

Gentlemen, I shall conclude by saying, that if you find the respondent guilty, I trust that it will be taken that you rather like the business of sitting as a high court of impeachment, and intend to make this a precedent; and that in your legislative capacity, next winter, you will abolish the office of justice of the peace throughout the state, and substitute, in its stead, this high old court of impeachment; so that you may have business at the capitol all the year round. As a final word, I will also remark, that if you conclude to remove Judge Page from the bench, the result of your action will very likely be to pull him down as a judge, but, at the same time, to set him up as a lawyer, with an unprecedented number of libel and slander suits to begin with, wherein he himself will be plaintiff, and almost every rapsallion in Mower County will be defendants. This is the only plausible ground that I can see for the conviction of Sherman Page.

And now, gentlemen, it is hoped that in the little game of impeachment, certain members of this court will, for once, agree to cheat fair; and that, when you come to toss up coppers for the purpose of aiding your minds in determining what your judgment shall be, and whether by heads Page wins, or by tails he looses, it is also trusted that but few of your coppers will have tails on both sides.

Think, too, gentlemen, before you permit yourselves to come to a conclusion adverse to the respondent, of the awful doom involved in such a judgment against him—a doom that casts its victim down from his exalted position, and chains him forever to the barren rock of disfranchisement—eternal prey to the vultures of disappointed ambition! Think of what the most of you would have been, had the door to office been forever barred against you; and remember that, to the most of Minnesotians, the sweet hope of office is the guiding star of life, while each of the lucky ones, whose election is already made sure, feels, with Shakespeare, that he who steals my purse, steals trash—'twas mine—'tis his, and I can steal another; but he who filches my [27] good office, takes that which oft enriches me, but *lost*, I'm poor indeed! Office, gentlemen is the *sine qua non* of our patriotic people. Savage foes may take their scalps; insatiate grasshoppers and tax-eaters may lay waste their fruitful fields, and gnaw out their substance; blizzards may blow them away, and blazes consume them, yet, while the lamp of hope for official honors holds out to burn, they will still live or die happy! Well then, may the average Minnesotian exclaim with me, in the immortal words of Patrick Henry—Give me office, or give me death!

President. The court will now proceed to consider of its judgment, Members will vote guilty or not guilty, with their reasons appended. The clerk will pass a hat to receive the votes.

[Clerk, *passing hat, while Page, Managers, and Counsel, for both sides, and Spectators go to the floor, and whisper to and hug the Members.*

Members, *while voting, throw paper-balls at each other, etc.* Clerk returns to his desk, and counts votes—then writes and hands a paper to President.]

President. [*Rapping.*] The court will come to order, and harken to its judgment, as it has been recorded. [*Reads.*] The judgment of this court, and the reasons therefor, are as follows:

1st. That the respondent is guilty of having done his duty.

2nd. That he is not suited to be judge for some people in Mower County.

3d. That some people in said county are not fit to have any judge at all.

4th. That Judge Page pays the fees of his own witnesses, and that the taxpayers pay all the rest. [*Then speaking a la benediction, with extended hands:*] May the angel of mercy drop a tear upon this Page, and blot out the record forever. As our appropriation is already expended, and more too, this court is now adjourned *sine die*.

Enter Pinery Press. [*Playing a hand-organ—Tune: God Save the Queen.—Witnesses for impeachment hurrying towards the door.*]

Witnesses for Impeachment. Look sharp boys; old Page is loose again! [*Shaking their fists.*] Oh that Lawyer of ours, [28] who told us to go home and rest assured that Page was an “impeached man!” [*Exeunt.*]

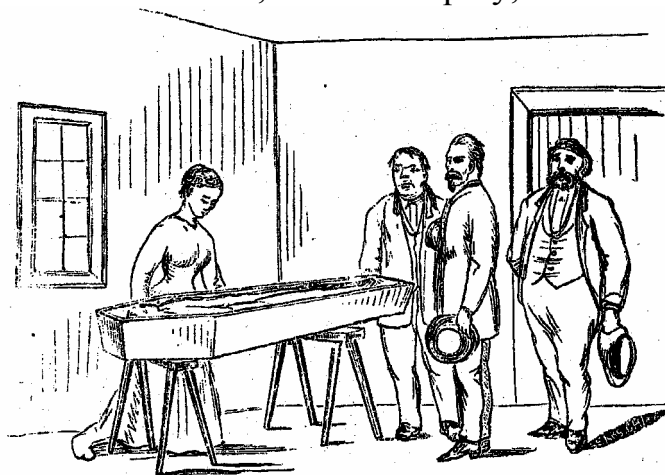
[*Curtain Falls to slow music on the organ—Tune: What will the harvest be ?*]

THE END.

—o—

EPITAPH.

Conceived in Sin, born in Iniquity, and died in Abortion.



Aunty P. P. and the Whangdoodles for Impeachment,
mourneth for their First Born.

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Posted: MLHP: May 2008.
Revised: March 2010.