

# THE GREAT SHEEDY MURDER TRIAL

## and the Booster Ethos of the Gilded Age in Lincoln

By Timothy R. Mahoney

Just before eight o'clock on Sunday evening, January 11, 1891, John Sheedy, a Lincoln, Nebraska, real estate developer, hotel owner, noted "booster," and "sporting man" stepped out the front door of his house on the southeast corner of Twelfth and P streets to go two blocks over to his gambling establishment in the "uptown" district. Suddenly, out of the shadows, a man charged toward him, striking him on the side of the head with a leather-covered steel cane. Staggering, Sheedy drew a pistol and fired several shots, but missed his assailant, who disappeared down Twelfth Street into the dark. Sheedy's wife rushed from the house to help her husband back into the parlor, then called for a doctor and the police, as neighbors, including another doctor, gathered.

Doctor C. S. Hart and the chief of police, Marshal Samuel Melick, soon arrived, and as the two doctors dressed Sheedy's head wound and helped him to bed, Melick questioned him about the attacker. The doctors administered pain relievers, and Mary Sheedy gave her husband sleeping powders in a cup of coffee. In the middle of the night Sheedy was stricken with paralysis. He fell into a coma the next morning, and the doctors ruled out surgery. He died about ten o'clock Monday night, twenty-six hours after the attack.

From the moment that word of Sheedy's murder spread, through the

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*Timothy R. Mahoney is professor of history at the University of Nebraska-Lincoln.*

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arrest, arraignment, and trial of his alleged assailants, to the final verdict in May 1891 and beyond, the "Great Sheedy Murder Case" absorbed Lincoln's attention and elicited greater excitement than any previous case in the city's history. Lincoln residents were shocked and horrified by a crime considered so heinous that one booster proclaimed it "one of the most sensational in the annals of American crime!" Local and regional newspapers provided unprecedented coverage, and the subject dominated conversation for months. Almost every important Lincoln lawyer was involved, and thousands of spectators, at first mainly men, but by the end of trial including many middle class and elite women, crushed into the impressive new Lancaster County courthouse at Tenth and K streets to watch the proceedings.

The intense reaction made it clear the case was much more than simply a sensational murder. Alarmed and shocked by the identity of the victim and the alleged assailants, many Lincolinites interpreted it as an indication that tensions roiling beneath the surface for years had reached a boiling point. Many also suspected it was a politically motivated act representing a deepening struggle for control of the underlying values and standards that would dominate Lincoln's future political and economic development. In addition, procedural irregularities in the conduct of the case and the disposition of Sheedy's estate, the involvement of certain individuals in the prosecution, and questionable trial tactics by both the prosecution and the defense touched off rumor, innuendo, and speculation that beneath the public

melodrama lurked a story that could compromise the integrity of Lincoln's political and legal communities, undermine the moral foundations of its middle class, and threaten its future as a progressive city.

Such concerns reflected a pervasive feeling in the early 1890s that the structure and dynamics of the nation's economy, political system, society, and culture were undergoing profound transformations. People felt the forces of change sweep away much that was familiar, and a pervasive sense of crisis permeated nearly every aspect of American life; it seemed to many that "all the rules had changed." Like noteworthy crimes in other times and places, the Sheedy case opens a window into the crisis of the 1890s, in Lincoln and in urban America in general.

On January 12, as Sheedy lay dying, Marshal Melick and Detective James Malone spread word of the assault across Lincoln's demimonde, a concentration of saloons, gambling halls, and bordellos along O and P streets, interrogating residents and patrons in search of witnesses and information. Official reaction to the murder was unusual almost from the first moment it became public knowledge. On Monday night, when word of Sheedy's death reached the county coroner, Dr. H. L. Holyoke, he rushed to the Sheedy residence, signed the death certificate, and had the body transported to the courthouse for a coroner's inquest. The following morning, as Lincoln woke to news of the murder, Holyoke impaneled an inquest jury assembled from men already gathering at the courthouse.

At nine o'clock the following morning, January 14, an unprecedented number

of reporters, policemen, lawyers, and politicians, including Mayor Robert B. Graham, crowded the jury room as the inquest began. A member of the jury, Robert McReynolds, a prominent reform businessman, moved that the inquest be held in secret and invited the press to leave. Suspicious and infuriated, reporters called the unprecedented closed inquest an illegitimate "Star Chamber," eavesdropped through the transom, and tried to force their way into the room. Holyoke moved the inquest to a small, unheated meeting room on the third floor. Though some jury members apparently doubted the blow could have caused Sheedy's death, the inquest concluded that he had been murdered, death resulting from internal bleeding caused by a blow to the head. The questions remaining, then, were who struck the blow, and why?<sup>1</sup>

Melick and Malone continued to comb the P Street dives, and within hours they found witnesses, who, like Mary Sheedy herself, claimed to have seen a black man of middle height and build near the Sheedy house about the time of the murder. To the "boys" of P Street the description fit William "Monday" McFarland, a popular patron of the area's bars and clubs, and a barber at Crampton's Barber Shop below stairs at 930 P Street on the north side adjacent to Sheedy's Mack Hotel. Later that day, McFarland was said to have been seen on an "extended spree" on P Street, and a group of rowdy white men went in search of him, apparently intent on taking the law into their own hands. Two days later Malone and Melick tracked McFarland down and arrested him in a bar on O Street.

Taking him to police headquarters and the "loathsome" city jail on the southeast corner of Haymarket Square for questioning, Melick and Malone, accompanied by Mayor Graham, apparently locked McFarland in a dark, airless "sweatbox," removing him occasionally to see if he was willing to talk. Finally, allegedly coerced by threats to deliver him to the angry mob, McFarland confessed to the murder. Believing they had their



John Sheedy. *Vanity Fair* (Lincoln)  
May 30, 1891.



Mary Sheedy. *Vanity Fair* (Lincoln)  
May 30, 1891.

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*By the death of John Sheedy a well known figure is removed. . . . It is true he was a gambler and by this means amassed considerable of this world's goods. But, notwithstanding the fact that he clung to this outlawed profession, many have cause to remember him in kindness, in gratefulness. . . . Who shall say that his money, however gained, was not spent in benefiting his fellow man?*

*The Lincoln Call, January 13, 1891*

*Mrs. Sheedy is a woman of striking appearance, about thirty-two years of age, with dark hair and piercing eyes. Her dimpled chin and cheeks add not a little to her beauties of face and while the look of determination is expressed in her every feature there is yet a trace of a forgiving, sympathetic nature that wins for her friends. There is and always has been a sort of sad appearance that lends a bewitching charm to her soulful face and her eyes always look in an appealing way into those that meet them.*

*The Lincoln Call, May 30, 1891*

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William "Monday" McFarland. *Vanity Fair* (Lincoln) May 30, 1891.

*As is well known, the arrest of Mrs. Sheedy was brought about by the confession of Monday McFarland, who looked upon John Sheedy as his best friend and who was both the barber for Mr. Sheedy and the hair-dresser for his wife. . . . The plan of the murder as embodied in the confession of McFarland is one of the coolest ever recorded in the west, and sufficient for the groundwork of an ideal blood-and-thunder romance.*

*The Lincoln Call, May 5, 1891*

man, the police and the county attorney, Novia Snell, now needed a motive.<sup>2</sup>

McFarland obliged, telling his astonished inquisitors — “who could hardly believe their ears” — that he had been coerced into the murder by Mary Sheedy. About a year before, he said, John Sheedy, his “benefactor,” friend, and a regular at Crampton’s Barber Shop, had asked him to come to the Sheedy’s house to do Mary’s hair. McFarland, a handsome, personable man, scheduled weekly “house calls.” Soon McFarland and Mary Sheedy were on friendly terms.

On one visit, said McFarland, she seemed distraught, blurting out that her eight-year marriage was a sham. Then she recounted her story: She had arrived in Lincoln from central Illinois in 1879 as “Mollie” Merrill, with her second husband George Merrill, a carpenter and teamster (previously Mary had been married to a man named McCool who was sent to prison). They patronized the dance halls, saloons, and gaming establishments on P Street, including a notorious “gambling den” at Tenth and P streets operated by John Sheedy. Records of the Merrill divorce hearing in

1882 do not make it clear whether Mary had met Sheedy before she and Merrill separated in November 1880, but about that time Merrill was said to have seized Mary “in an angry manner,” exclaiming that he would “not live with such a damned whore.” He locked her out of the house, sold the furniture, and returned to Illinois, leaving her “uncared for in the city.” She went to work “as a servant girl at the Arlington Hotel” and was “dependent” on the charity of neighbors.

In 1881 George returned, and after a brief “cohabitation” with Mary, during which he apparently spent all his money on gambling and provided her no support, he left her again. He briefly moved in with a “woman of ill repute,” then left Lincoln for good. Again thrown upon her own resources, Mary continued working at the Arlington and patronizing the P Street saloons. In 1881 Mary, then about twenty-five met Sheedy, then in his late forties, who boarded at the elegant new Arlington. Swept away by Sheedy’s flamboyant style, popularity, and power, Mary took up residence with him, first at the Arlington and then in an apartment over Tunis P. Quick’s saloon

at Tenth and P streets, where Sheedy’s casino was located. In February 1882 Mary sued Merrill for divorce and later that year she and Sheedy were married. The Sheedys tried to present a respectable front, first moving into a small house at 132 North Tenth Street where they lived for two years, then into the new house at 1211 P Street.<sup>3</sup>

Nevertheless, Mary told McFarland, marriage suited neither of them. John was increasingly involved in gambling in his “rooms” over Quick’s saloon, he resumed life as an “all-around sport,” and he had a series of liaisons with other women. Mary complained about his absences, but he was unwilling to brook any criticism, and they often quarreled. McFarland told police that in the intimacy created by Mary’s lurid tale they embraced and their friendship deepened.<sup>4</sup>

McFarland said Mary had described how, in August 1890, in Buffalo, New York, where she was being treated for a “disease peculiar to women,” she and John had a particularly angry quarrel, and he returned to Lincoln alone. In search of solace, Mary fell in love with a “young dude,” a machinist and traveling



Looking east along the north side of P Street from Ninth to Tenth streets, Lincoln, in about 1890. John Sheedy's Mack Hotel, at 932 P Street, is the fourth building west from Tenth Street. Monday McFarland was a barber in Crampton's Barber Shop below street level in the next building west. NSHS-RG2158-159

salesman named Andrew "Harry" Walstrom, who followed her to Lincoln, living first at a downtown hotel and then in an apartment in the new Heater Block at fifteenth and O streets. Other witnesses told Melick and Malone that Mary visited Walstrom, sometimes disguised as a man, but later behaving more like a "Cyprian" than a middle class woman. She also was observed taking him gifts, including a diamond ring, staying at his residences for considerable periods, and openly strolling with him in public. As the affair continued, Mary talked of divorce, and John, thrown into a jealous rage, allegedly "treated her badly," threatened to kill her, and placed her under surveillance, nearly imprisoning her in their house.<sup>5</sup>

Mary continued telling McFarland about her ongoing affair with Walstrom and complaining about her husband. At some point, when McFarland again comforted the distraught woman, their embrace led to kisses and sexual intimacy. He showed police a locket containing a lock of her hair as evidence of their

relationship, but claimed he had been reluctant to engage in such a "criminal" relationship. Nevertheless he was unable to fend off her advances, and the affair went on for months, even as she continued her increasingly reckless relationship with Walstrom.

Eventually, McFarland said, Mary formulated a plan for him to murder her husband, offering to pay him \$20,000 from Sheedy's estate, which she said was worth \$200,000. He balked, but when she threatened to reveal their affair to her husband and the police if he refused—a threat whose implications he clearly understood in the racialized environment of the 1890s—McFarland agreed to cooperate. He made two attempts to kill Sheedy, but failed both times. Mary decided to ensure the success of the third attempt, he claimed, by slipping poison into her stricken husband's coffee.

Sheedy's body was exhumed, and an autopsy indicated internal bleeding and the presence of poison, apparently confirming McFarland's story. Mary was arrested and, because there were no

facilities for women at the county jail, was held at Melick's residence at Twenty-fifth and P streets. Harry Walstrom was arrested as an accessory and held under guard at the Capitol Hotel at Eleventh and P streets. A coroner's jury concluded that the case against Mary Sheedy, McFarland, and Walstrom was sufficient to charge them. On January 26, 1891, Mary Sheedy and McFarland were arraigned and charged with three counts each of first degree murder and one count each of accessory to murder. Walstrom was charged with four counts of accessory to murder. Later the charges against him were dropped for lack of evidence.<sup>6</sup>

As the alleged facts of the case, established by McFarland's confession and supported by testimony at the coroner's inquest, became public, Lincoln society was thrown into a frenzy. Why did the case strike a response strong enough to trigger a general crisis of confidence? First, the murder itself shocked Lincoln and raised fears that crime was on the rise. Having managed to avoid the disorder, crime, and violence so common across the urban frontier, Lincoln had established a reputation as an orderly city. Indeed, since its founding in 1867, there had been few murders, and only one Lincoln man had been executed.<sup>7</sup>

Second, the identity of the alleged assailants and McFarland's lurid confession sent waves of concern and panic through Lincoln's middle class, and Mary Sheedy's story raised profound worries about the integrity of the class, gender, and racial systems that had sustained Lincoln society for a generation. For years, John and Mary Sheedy had been moving on the edges of Lincoln's genteel society. Although a known gambler, John was praised for his civic-mindedness in downtown development, his active interest in the affairs of the booster ethos, his liberality to local charities and institutions, and his magnanimity toward "friends" among the city's elite. Mary patronized genteel stores, established a genteel house, and made a foray or two into

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Lincoln's middle class social circles. The possibility that she had hidden two previous marriages and possibly had committed adultery, miscegenation, conspiracy, extortion, and murder was a shocking breach of middle class decorum, and raised deep fears that other "poseurs" and "charlatans" might be living among them. Such corruption undermined the middle class sense of order and called into question its image of itself as having been built on strong moral character cultivated through self-discipline, hard work, marriage, genteel living, and civic involvement. It also eroded middle class's confidence that it could police itself and maintain a moral social order.

Moreover, to those who viewed her as a corrupted perpetrator, Mary compromised a fundamental bourgeois tenet of female purity and incorruptibility. Worse still was the possibility that she had not been corrupted, but had deliberately used her sexuality to pursue her own self-interest. Although many middle class women might have sympathized privately with her rebellion against the strictures of Victorian gender roles, the image of Mary Sheedy as an agent of female empowerment and advocacy

might have touched already deep insecurities among Lincoln men and elicited a wave of misogynist anxiety.

On the other hand, viewing Mary as a victim rather than a perpetrator offered little comfort. Her seduction by several men seemed to confirm growing fears of a predatory threat to moral, middle class women posed by "sporting men" or "dudes" of the male subculture along P Street. By 1890, John Sheedy was a well known figure in the district, and in the minds of many Lincolmites, he stood for the gambling, drinking, illicit sex, and interracial socializing—"mixing"—that many feared was corrupting urban society. Monday McFarland's involvement further racialized those fears and conflated them with rising racial tensions that accompanied the growth of Lincoln's small black community. In the 1890s, middle class people in Lincoln and throughout the northern United States increasingly believed that interracial mixing threatened American social order.<sup>8</sup>

Though most townspeople seemed to believe McFarland's confession (he did, after all, repeat it three times), and most thought Mary was guilty, the aggressiveness of the prosecution raised concern and generated sympathy for her. To

many it appeared that she was not only the victim of male predatory sexual behavior, but also of male vengeance, greed, professional ambition, and public corruption. Those who believed that Mary was innocent were even more convinced that she was the victim of a corrupt conspiracy among greedy police officials, boosters, businessmen, and lawyers who wanted control of John Sheedy's estate whether through loyalty to Sheedy or a desire to settle past scores. Whichever way one took it, her story—and the murder case itself—undermined the integrity of the booster ethos, shook middle class confidence, and exposed deep racial, gender, sexual, moral, and psychological tensions that threatened social order in Lincoln's complacent post-frontier society.

Above all, Sheedy himself, his reputation, and his twenty-year involvement in city affairs, raised the prospect that the murder was a political act carried out in the context of an ongoing political struggle. That prospect elevated the reaction to events surrounding his death to genuine shock about the state of urban life in Lincoln.

Since his arrival from Council Bluffs, Iowa, in 1869, Sheedy had been a central



Chief of Police Samuel Melick (left) and Detective James Malone.  
*The Lincoln Call*, May 13, 1891.

*It was important both to Malone and ... Melick that they know the exact testimony of (former Mayor Robert) Graham, for these three were the only ones to whom McFarland is supposed to have made his 'voluntary' confession and to have statements coincide was something devoutly to be wished.*

*The Lincoln Call*  
May 13, 1891

figure in a personalized, predominantly male, commercial booster ethos that was willing to tolerate virtually any business, including the shady and, in some cases, outright illegal enterprises of the “Uptown” district, as long as they continued to fill city coffers and remained confined to a specific part of town. By the late 1880s Sheedy had become the focal point of a re-energized effort by reformers to clean up the city. Every time he evaded the reformers, they escalated their efforts to get him, using increasingly aggressive tactics that skirted closer to the margins of legality and morality. Meanwhile he also gained enemies among his competitors, clients, and employees in the demimonde.

Although his murder threw the city into an uproar, it is striking that it elicited so few expressions of surprise, sorrow, or regret. Most Lincolniters, apparently, did not believe the murder was a random event, and most apparently considered it the just desserts of a corrupt, immoral player in the ongoing struggle between good and evil. But the self-congratulatory tone that usually accompanies the triumph of good was notably absent, perhaps suggesting some concern about the methods employed in this case. Such concern reflected a deeper fear that beneath the public face of events lay corruption and conspiracy that reflected a deepening political and cultural crisis. By 1891, a gradual shift in the ethical climate of public affairs, under way for years, seemed poised to break through. Increasingly the traditional “business as usual” city politics, dominated by a small booster elite making use of insider information, personal influence, patronage, and even vigilantism, was being stigmatized as corrupt and immoral.

From the start, comments in the press on irregularities, inconsistencies, and unexpected turns in the case focused on the actions of certain individuals involved in the arrest and prosecution of Mary Sheedy and McFarland. Concerns about undue influence first surfaced when John Sheedy’s brother, Dennis



Mary Sheedy on the witness stand.  
*The Lincoln Call*, May 10, 1891.

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***Notwithstanding the ordeal through which she has passed and yet must pass, it must be conceded that Mary Sheedy has borne up bravely and displayed a nerve of iron. But only once has she faltered in the court and been compelled to give way to the flood of tears that would not be stayed. She has always borne a courageous demeanor, the outward semblance of a stout heart, and so she appeared.***

*The Lincoln Call*  
May 18, 1891

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Sheedy, a merchant, businessman, and vice president of the Colorado National Bank of Denver, arrived in Lincoln to make sure the murderer was prosecuted. He brought two Pinkerton detectives, offered a five hundred-dollar reward for the capture of his brother’s murderer, and sought, to no avail, to prevent an inquest from being held.

Concerns about a broader conspiracy were raised when Dennis Sheedy contacted John Fitzgerald, president of the First National Bank. Fitzgerald also was an influential railroad contractor, real estate developer, prominent reformer in local politics, and, from 1886 through 1890, the president of the Irish National League. Dennis Sheedy knew Fitzgerald through banking and railroad construction business, and probably he knew that Fitzgerald and his lawyer, Turner Marquett of the firm Marquett, Deweese, and Hall, were embroiled in a legal struggle against Jay Gould, the notorious financier who controlled and managed a vast system of western railroads. Dennis Sheedy probably believed he could count on Fitzgerald to acquire the best legal counsel in Lincoln on his behalf. It is less clear whether or not he knew that Fitzgerald and John Sheedy had been long-time adversaries in local politics and the real estate business. Since the mid-1880s, the two had squared off on opposite sides in the struggle between the reformers and the boosters. They had recently competed for parcels of downtown real estate, and a month before the murder Sheedy had filed a series of restraining orders to block the construction of street railway tracks in front of his house by a company in which John Fitzgerald was an officer. Only ten days before the murder, Sheedy had defended his litigation against Fitzgerald in a letter to the *Nebraska State Journal*, saying that he had sued the company without any previous consultation with Fitzgerald.

The motives of Dennis Sheedy and John Fitzgerald seemed clear to some observers when it became publicly known that John Sheedy, with an estate

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*This afternoon the court room was visited by hundreds of ladies and the front rows of seats were adorned with gaily bedecked hats and a diversity of ribbons, while wall flowers in the shape of be-whiskered men were strung along aisles and walls.*

*The Lincoln Call, May 13, 1891*



"Types of Beauty at the Trial." *The Lincoln Call*, May 13, 1891.

estimated at \$100,000 to \$200,000, had died without leaving a will. Thus, under a state law enacted in 1889, Mary Sheedy would automatically inherit half, and the rest would go to siblings or relatives. But it seemed ominous that only nine days before the murder the Nebraska Supreme Court had ruled that a person "could not take by inheritance the estate of a person he murders," making it in Dennis Sheedy's financial interest to have Mary convicted. And it seemed more than coincidence that a week after the murder Fitzgerald, John Sheedy's former adversary, whose motives for wanting to control Sheedy's estate were very different from Dennis Sheedy's, was appointed by the county court, along with Mary Sheedy, as administrator of Sheedy's estate.<sup>9</sup>

The influence of Fitzgerald and Dennis Sheedy on the case did not stop there. As was the common practice of the time, various lawyers (including, very briefly, William Jennings Bryan) scrambled to carry out investigations of their own, put together defense strategies and offer their services to the accused. Eventually Mary hired Jesse C. Strode and Royal D. Stearns, John Sheedy's long-time lawyers, who had recently been involved in his fight against the street railway. In April two lawyers on the reform side of city politics, L. W. Billingsley, and J. E. Philpott, were appointed to defend McFarland, at his request.

Meanwhile Dennis Sheedy, following a practice that was still legal in the 1890s, hired two lawyers, Frank M. Hall and Genio M. Lambertson, to assist county attorney Novia Snell in prosecuting the case. Snell was a reform politician with close ties to Fitzgerald. Hall was a partner of Fitzgerald's lawyer, Turner Marquett, and a prominent attorney for the Burlington and Missouri River Railroad, as well as a criminal lawyer. Lambertson was city attorney and an associate of McFarland's attorney, L. W. Billingsley.

To many Lincolnites in 1891, such maneuvering, in both the prosecution and the defense, by prominent reform adversaries of Sheedy indicated some

kind of corruption. Were Dennis Sheedy, Fitzgerald, and their attorneys prosecuting Mary in order to get a conviction at any cost and thus control the entire estate? Or, since Fitzgerald was already an administrator of the estate, and its control was probably assured anyway, was his involvement intended to cover a deeper conspiracy by assuring Mary's conviction to obscure the truth of Sheedy's murder as revenge against a long-time adversary and a political act in the struggle between reform and corruption? Such suspicions and fears of conspiracy, the truth of which remains inaccessible behind a fog of conflicting evidence, speculation, gossip, and hearsay, reflect the intense concern at the time about how deeply corruption had penetrated American life and affected reformers, boosters, and the legal community as well. The Sheedy case marks a moment in Lincoln's history, when, as in other cities in the period, reformers and boosters were shocked to discover that their styles, strategies, and tactics had become almost indistinguishable, and many concluded that real change would occur only if modern reform strategies were implemented.<sup>10</sup>

The journey to this moment in Lincoln's history had begun in the 1870s when groups of merchants, manufacturers, businessmen, and lawyers established the booster ethos. Most favored an orderly, open, economic climate that provided opportunities to as many people as possible. They speculated in real estate, opened businesses and professional offices, and built office blocks, hotels, and places of entertainment. They also were active in city government as mayors, city councilmen, sheriffs, justices, and judges. In time, they founded the Lincoln Board of Trade for the "mutual benefit of all," and the Lincoln Commercial Club, to promote economic development and infrastructure investment. They petitioned the city council to grade streets, build cisterns and drainage systems, install streetlights, establish a night watch, and regulate traffic, and replaced these rudimentary improvements with modern water and

sewage systems, paved streets, electricity, improved police and fire protection, a uniform system of addresses, streetcar service, public schools, and hospitals. To finance improvements, boosters campaigned for bond issues, higher city debt, and higher taxes. Annual budgets grew, hired experts and bureaucrats replaced patronage politicians, and Lincoln, it seemed, was on schedule to become a burgeoning, modern metropolis.

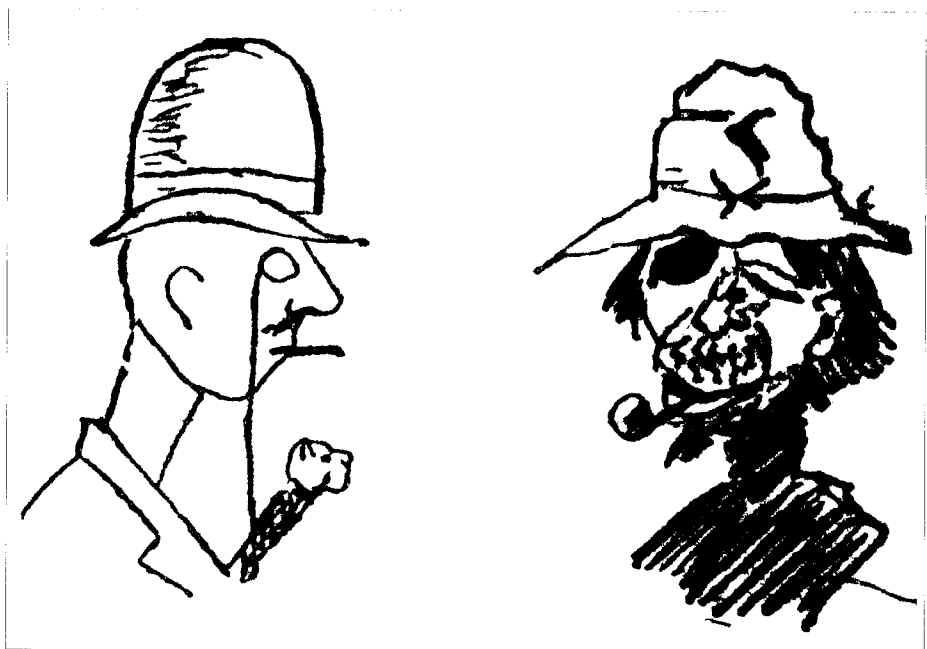
In the 1880s the city's economy continued to grow, but no manufacturing base developed. Boosters, apparently failing to understand that the city's location relative to regional and national markets, not a lack of entrepreneurial activity, was responsible for the dearth of manufacturing, proposed initiatives to attract manufacturers. When development

grants, stipends, subsidies, and tax abatement schemes failed, some boosters shifted their attention to railroad rates, launching investigations and filing lawsuits—against the Chicago, Burlington, and Quincy in particular—and supported the formation of a state transportation board. But Lincoln had been a "Burlington town" since 1870, and many manufacturers, merchants, and professionals were dependent on the CB&Q for their livelihoods. Thus the new "bite the hand that feeds you" mentality opened a fissure in the unified booster ethos that had prevailed for fifteen years.

The attack on the railroads marked a shift in perspective among some members of the business and political community, who began to approach Lincoln's economic frustrations by focusing on

*Throughout the audience there was here and there a woman, but the auditors on the whole were the kind usually seen at such trials.*

*The Lincoln Call, May 12, 1891*



*"They want to hear the facts." The Lincoln Call, May 12, 1891.*



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correcting perceived failures rather than on using government to stimulate local development through traditional means. The result was a factionalizing of city politics and the emergence of two groups with conflicting strategies for promoting development. One group, relatively traditional boosters, sought to maintain a tolerant, wide-open economy and urban commercial culture using city government to stimulate development through economic incentives and rewards. They remained untroubled by the customary influence peddling and patronage systems that supported certain developers and tolerated the mild lawlessness of the P Street saloon-and-gambling-hall subculture. In opposition were the reformers—merchants, lawyers, clergymen and other professionals who launched sporadic attacks against the disorderly, primarily male subculture with its social evils of alcohol, gambling, and prostitution that had accompanied development in most railroad towns and other new cities across the West in the 1870s. As unity in the commercial and political community eroded, the two factions became involved in a political struggle that, because of the small size of the young city, became hopelessly intertwined and corrupted. Policy development was thwarted, and Lincoln was left ill prepared to respond to more serious economic and social challenges of the next decade.

With the formation of a Prohibition Party in 1880, the reform movement became organized. Moving beyond simple demonstrations against saloons, they launched a series of regular temperance meetings and formed a Red Ribbon Club that quickly gained 2,000 members. In doing so, they gained support for their political campaign to increase saloon license fees, renewing an effort first undertaken in 1877 by Mayor Harvey Wesley Hardy. In 1880 the Prohibition Party ran a slate of reform candidates for local offices. Significantly, following the lead of reformers in other western towns (but preceding those in nearby Omaha by twenty years) they



Monday McFarland on the witness stand.  
*The Lincoln Call*, May 10, 1891.

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***... (M)y poor client did not sleep that night, but stood in fear looking into the corridor of the jail all night long. He ... was told that fifty men were there and as soon as the crowd reached one hundred they would take him out and hang him.***

Defense attorney W. H. Woodward  
quoted by *The Lincoln Call*  
May 14, 1891

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organized a quasi-vigilante political action organization called The Law and Order League.<sup>11</sup>

In 1883 reform lawyer and former police judge Robert E. Moore was elected mayor and launched a campaign to reform laws controlling liquor sales, especially from bars and taverns along O and P streets in the "Uptown" district. Moore and the Law and Order League

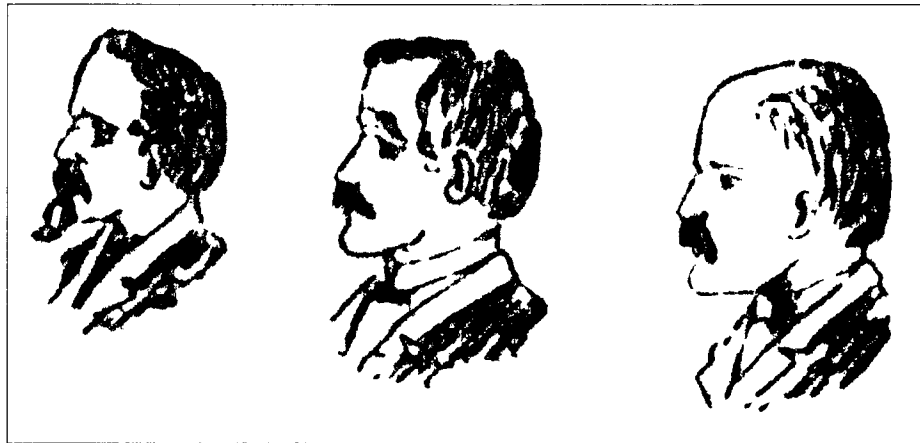
were challenged by traditional boosters who argued that a more open city was better for business and downtown development. In 1885 Carlos C. Burr, a real estate developer, lawyer, and commercial booster ran as the Republican candidate in a three-way race for mayor against Democrat reform booster John Fitzgerald and former Mayor Hardy of the Prohibition Party. These first salvos in the struggle between reform and commercial booster strategies triggered a series of events that, by 1892, would fragment the boosters and expose the degree to which corruption had compromised and blurred their differences.

The Law and Order League marked a new departure for the reformers, who would no longer seek to reform urban life through moral suasion alone. In the tradition of citizen vigilante movements that often emerged within or along with the booster ethos, the league organized a citizen-directed legislative and legal campaign to target offenders and put them out of business and in jail. The league's legal and legislative strategies threatened to undermine the personalized regime of city life in which influential men, including centrist commercial boosters such as Burr, merged self-interest with the interests of the city in pursuit of wealth. For Burr and other downtown developers, business, whether legitimate or illegitimate, provided revenues that enhanced the city tax base and generated further growth and development. To Burr and his circle, insider deals, influence, money, and "arrangements" among real estate developers, the city council, the police, and entrepreneurs in the P Street subculture—including monetary "consideration," kickbacks, "rent," "taxes," and "initiation fees" to city officials and the police in return for freedom from prosecution—was good business and good politics.

Sheedy had been a key figure in the "business as usual" realm. A real estate developer and builder, he had purchased the last open parcel of land in the business section at the southeast corner of Twelfth and P Streets and was commended

*At nine o'clock the prisoners were conducted into court, and shortly after the jury—a dozen wise visaged men picked according to the law of Nebraska, bad luck to it—filed into the room and a few of them knew enough to be seated.*

*The Lincoln Call*  
May 18, 1891



*“A Trio of Jurors.” The Lincoln Call, May 14, 1891.*

by the press for “improv[ing] the city” in the summer of 1885. In June 1887, he was praised for building the three-story, stone-faced Hotel Mack, at 932 P Street, “constructed with innovative deeper footings for increased wall support.” But he made most of his money—and exercised his power—as a “sporting man” and “a common gambler.” With a reputation “across the West,” enhanced by association with his cousin, the “famed” Chicago gambler Pat Sheedy—and perhaps funded by him as well—Sheedy had become a “man of wealth and large influence in the city council,” influence he enhanced by providing venues for the male “sporting” subculture in which blacks and whites, workers, laborers, “sporting men,” travelers, businessmen, entertainers, and “nymphs du pave,” enjoyed, relatively safely, a drink, a cigar, a game of cards, faro, or roulette, and sex.

By the late 1880s, Sheedy’s gambling establishment was at the center of the Uptown district between Ninth and Twelfth on P Street. The district held taverns, saloons, gambling halls, club houses, barbershops, one or two “colored gambling dens,” and a few houses of prostitution, possibly, after 1887, including the Hotel Mack. Most of the twenty or so houses of prostitution in Lincoln in the 1880s and 1890s were in “boarding houses” down the hill from the Government Square on Ninth and Tenth streets in a district called the “Tenderloin.”

Through his influence, Sheedy apparently protected establishments in the district. To frustrate reform legislation, he placed his own people in the city council or controlled council members with bribes. He evaded arrest and prosecution by buying off the police and the police court judge. He also influenced city policy, and reformers believed that Carlos Burr, mayor in 1885 and 1886, and others who turned a blind eye to Sheedy’s business practices and vice in general, were influenced by Sheedy and others of the P Street and Tenderloin subculture. Burr, they charged, was “a friend and associate of gamblers and thugs” and “was accustomed to spend his time at Sheedy’s ‘gambling hell,’” using it, as other politicians had, as an unofficial headquarters. Indeed, so pervasive was Sheedy’s power, that some desperate reformers began to contemplate using their adversary’s tactics to put him out of business.

The mayoral campaign of 1885 was a confrontation between reform and the status quo. Burr defeated reform Democrat Fitzgerald by only 30 votes, with Prohibition candidate Hardy a distant third. Fitzgerald filed a protest with the city council and instructed his lawyers, C. O. Whedon, Novia Z. Snell, and Andrew J. Sawyer, all ardent reformers and Law and Order League members (Sawyer was president) to protest the council’s planned meeting to ratify the vote the

following evening. Reform council members supported the objection, but the council met and affirmed Burr’s victory. Reformers were convinced Burr had stolen the election.

Mayor Burr focused his attention on urgent infrastructure needs, however, and Law and Order League council members were able to pursue their reform agenda. In November 1885 they reorganized the police department and established a new police code increasing enforcement in the vice district through a system of beat officers who were prohibited from entering taverns, saloons, and gambling places and from accepting drinks and cigars, apparently a common practice previously. The new code also made the acceptance “of any fee, reward, or gift from any person arrested or from any person in his custody” immediate grounds for dismissal from the force, gave police nightsticks and firearms, and required them to obtain a search warrant before entering a place where they suspected illegal activity was occurring. The new code, in short, reduced influence by replacing personal interaction between the police and business operators with professional rules and procedures.<sup>14</sup>

Harrison D. Littlefield, a self-styled “Law and Order policeman” began walking his beat on P Street on December 1, 1885. He observed that Sheedy’s establishment above Quick’s saloon, was crowded at all hours by a clientele

## The Great Sheedy Murder Trial

that included Mayor Burr and prominent members of the town elite, who were drinking, smoking, playing “stud horse” poker, roulette, and faro, and consorting with prostitutes. Quick’s saloon, “one of the finest liquor and billiard establishments in the city” had long been a focal point for reformers. The Ladies Temperance Society had demonstrated in front of Quick’s in February 1874, and the next evening a group of saloon patrons retaliated, in the tradition of urban male subcultures that cultivated sarcastic and ironic behavior to vent social tensions, by dressing in women’s clothing and carrying out mock raids on Quick’s and nearby saloons. The saloon also had been the “quasi-official” headquarters for political clubs, fraternal orders (Quick was a member of the Knights of Pythias), sportsmen, and, since Quick also raised livestock, Lincoln’s cattlemen. In the early 1870s, Quick served as a city councilman, and from 1873 to 1887 as fire chief, and his saloon became an unofficial clubhouse for politicians and firemen, enhancing its role as a center of Lincoln’s male subculture.<sup>14</sup>

In the early 1880s, the Law and Order League had twice tried to close the place, but both cases were dismissed. Early in 1885, with the cooperation of the police, the league initiated a “sweep” of the vice district and several operators, including Sheedy, were arrested, but he evaded prosecution. In November the police received complaints about Sheedy’s casino, but the plaintiffs changed their story and “refused to give testimony of value,” and no charges were filed. In early 1886, however, after a month of surveillance, league president Sawyer, the league’s lawyer, Frank Lewis, and Officer Littlefield were ready to take the battle against corruption and vice to another level.<sup>15</sup>

On January 20 Littlefield filed a complaint in the county court of Judge Charles M. Parker charging Sheedy, August “Gus” Saunders, and others with operating an illegal gaming establishment. Search and arrest warrants were issued, and the police raided Sheedy’s estab-

lishment. Saunders was arrested, but Sheedy again evaded arrest—this time because he was at home recuperating from a stab wound inflicted by Jay Patterson, another gambler, in a late-night altercation on P Street.

Released on bail, Saunders retaliated by suing the Law and Order League for illegal entry. Judge Parker, unlike many judges across the Midwest who took a dim view of the quasi-vigilante activities of groups like the league, threw out the suit and summoned Saunders to appear on the gambling charge. When Saunders failed to appear, Parker declared him in contempt of court and issued a warrant for his arrest. Meanwhile, the case against Sheedy and Saunders was sent to District Court.<sup>16</sup>

In response to the Law and Order League’s success in court, Mayor Burr and council members who opposed the league’s activities supported Judge Parker’s opponent in the April election. Their candidate, Albert Parsons, was elected. Parsons, a lawyer who had spent much of the previous four months representing defendants in cases brought against them by the league, did what he was expected to do: He threw vice cases out of court, allowed Sheedy to reopen his casino, and resumed the monthly collection of “fines” from gambling and prostitution establishments. In fact, in order to avoid reporting funds received to the city clerk, Parsons went door to door to collect the cash. Most proprietors cooperated; it was just good business to reduce the risk that one would be “pulled” in a police raid.

By fall 1886, Judge Parsons was ignoring most liquor and vice arrests, including two more of John Sheedy. In frustration, the Law and Order League targeted other saloonkeepers, gamblers, and madams, in particular, Myrtle Stewart and Ann(a) Tripp. The city council passed stricter liquor laws and an ordinance against the “desecration of the Sabbath,” hoping to trigger more prosecutions. Significantly, police officers identified with the Law and Order league grew more aggressive physically.

The League’s legal defense of a police officer sued for assault by a citizen suggests that the league and the reformers were beginning to believe that physical force could be useful in establishing social order.<sup>17</sup>

In April 1887, perhaps encouraged by a growing national Law and Order League urban reform movement, Lincoln voters elected a new reform council and a new mayor, Andrew J. Sawyer, who had been president of the Lincoln Law and Order League since 1885. Sawyer increased police vice raids and, through closer scrutiny of the police court, pressured Judge Parsons to follow through with the prosecution of vice cases. Meanwhile Sheedy and Saunders continued to pressure Parsons to thwart police efforts and dismiss cases, and they continued to pay him “fines.”

In May 1887 Tunis Quick died suddenly and, though it is unclear exactly how events are related, only a little more than a month later, on June 21, Sheedy and Saunders were arrested “for unlawfully keeping in rooms located in the second story of Quick’s saloon. . . certain gaming apparatus and devices. . . for the purpose of playing games of chance.” Apparently Quick’s considerable influence had protected Sheedy from prosecution. Two days later Sheedy and Saunders were fined in police court by Judge Parsons. They appealed in District Court, but lost. It was apparent that Parsons was no longer able to stand up to the Law and Order League and was, indeed, cheating Sheedy by accepting protection money from him. Sheedy and Saunders “said nothing in response” to the charges, but soon tried to replace their former associate with a more “effective” police judge.<sup>18</sup>

Neither John Sheedy, Saunders, nor fellow gambler A. J. Hyatt could have predicted the course of events that would result from their cynical appearance before the city council on August 1, 1887, to file a “citizens” petition presented by their lawyer, Jesse C. Strode, charging Police Judge Parsons with blackmail and embezzlement. Parsons, they

charged, assessed “fines” against gamblers and pimps, then kept the money for himself. Rather than questioning Sheedy and Saunders’s motives, Law and Order League council members saw an opportunity to pursue their own goals, and formed a committee to investigate the charges. On September 19 the committee delivered its report: Parsons had accepted money, later estimated at \$1,430, from Saunders, Sheedy and other gamblers, as well as “others”—i.e. operators of houses of prostitution. Parsons, through his lawyers, L. C. Burr (Carlos Burr’s brother) and D. G. Courtney, charged that the petition was brought forward “to maintain the rule of bad characters in this city,” called the evidence fraudulent, and questioned the council’s authority to remove him from office. The committee agreed to give Parsons a public hearing in early October.<sup>19</sup>

Anticipating the worst, however, Parsons sought to block the process. The day before he was scheduled to appear, his lawyer argued before Federal District Judge David J. Brewer in St. Louis that his client’s right of due process had been violated by a “conspiracy” of gamblers and reformers in the city council who wanted to remove him from office. Brewer issued an injunction forbidding the mayor and council “to remove Parsons or take any further evidence, or vote upon the question of guilt.” Furious at this infringement on “home rule,” Mayor Sawyer and the council met anyway, tried Parsons “in absentia,” found him guilty of “malfeasance in office,” declared the office vacant, and appointed a new police judge, Republican lawyer H. J. Whitmore. On November 17, Judge Brewer declared the mayor and city council in contempt of court, levied a fine, and ordered the federal marshal to arrest them and bring them before him in Omaha on November 21.<sup>20</sup>

The mayor and council transformed their arrest, appearance before Judges Brewer and Elmer S. Dundy, and six-day incarceration in an apartment in the Douglas County jail into a mythic struggle

against unbridled power. With self-consciously theatrical rhetoric and behavior, they portrayed themselves as a “band of brothers” comparable to the Irish rebels, defending home rule against federal power—a pervasive concern in the political culture of 1880s. When the council’s lawyer, Genio Lambertson, rushed to Washington, D. C., to appeal the case before the United States Supreme Court, it received national attention, including that of President Grover Cleveland. The Supreme Court’s decision a month later declared that Brewer had overstepped his jurisdiction—a great victory for the mayor and council. Briefly, Lincoln was in the national spotlight. At home, the drama coalesced various reform factions into a united front against a common foe, the triumph of the mayor and council actually strengthening the reform party.<sup>21</sup>

The city council soon launched a reinvigorated police campaign. Although it is not entirely clear how events are related, Sheedy did not benefit from his complaint against Judge Parsons. His “gambling hell” remained closed for months, and when it reopened he faced continual harassment by two aggressive, new “law and order” policemen, James Malone, who joined the force in 1887, and Samuel Melick, who was Lancaster County sheriff from 1884 through 1890 and Lincoln Police Chief from 1890 through 1895. Malone was twice arrested for assault in 1887; Melick was arrested for assault several times between 1886 and 1890.<sup>22</sup>

Although the evidence is circumstantial, it seems there was a movement afoot involving the Law and Order League, Malone and Melick, and, perhaps, some boosters and lawyers, to “get” John Sheedy. Apparently something of a marked man, he was assaulted three times from 1888 through 1890, one attack leaving him with a hole in the back of his skull. Because of his crimes and his corrupting influence on city life, many Lincolmites had decided that Sheedy had to go. Apparently they were willing to look the other way even if a “vigilante” solution to the town’s

“social evil” problem risked conflating reform with the corruption it sought to eliminate.<sup>23</sup>

It is in the context of this bitter five-year struggle that Sheedy’s murder and the trial of Mary Sheedy and William McFarland in 1891 acquire deeper meaning. Whether or not there really was a conspiracy against John Sheedy, he had become a critical figure in town politics and the social and cultural tensions those politics reflected. The possibility that his murder was a political act politicized the trial of Mary Sheedy and McFarland, making it another episode in the ongoing struggle of reform against corruption in which Sheedy had played so prominent a role.

The trial began on May 4, 1891, in the district court of Judge Allen W. Field at the Lancaster County Courthouse. Frank Hall opened for the prosecution before a jammed courtroom. The prosecution had accepted the defense request to try Mary Sheedy and McFarland together. The defense obviously hoped that if the case against either defendant was weak, both would be acquitted, but Hall, Lambertson, and Snell no doubt recognized that only by trying them together would they be able to indirectly enter McFarland’s confession against Mary Sheedy. In a separate trial it would have been quickly disallowed as hearsay, and even under these circumstances it was feared that Judge Field might not allow it to be considered as evidence against Mary. Hall argued that they intended to prove that Mary Sheedy and McFarland were both guilty of murder and accessory to murder based on McFarland’s confession and supporting circumstantial evidence. To corroborate a theory that Mary Sheedy and McFarland had both murdered John Sheedy, and to establish Mary’s motives, the prosecution attorneys presented evidence gathered by Malone, Melick, and their own investigators. The evidence focused on her relationship with Walstrom, her plan, as evidenced by several witnesses testifying that they saw Sheedy and McFarland together near the Sheedy’s house shortly before

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the murder, and her poisoning of her husband. For several days, the witnesses, directed by Lambertson, told a story "putrid with the odor of moral rotteness," a "smutty" tale of adultery, miscegenation, bribery, extortion, and murder. They also presented evidence of McFarland's activities that corroborated his confession, his involvement in the plan, and his purchase of the murder weapon. Hall, Lambertson, and Snell played on illicit sex and rising racial tensions, evidenced by police crackdowns on black estab-

Sheedy was "revolting," "unnatural," and absurd. The defense attacked the prosecution's "preposterous" argument that a white woman's alleged black lover, would, with the promise of a bribe, murder the husband so she could go off with another man. Moreover, they produced several character witnesses who testified that Mary was a proper, moral woman, and it was absurd to imagine her as an adulteress or murderer. They also vigorously resisted all efforts by Lambertson and Hall to introduce

they had not been appointed by the court but had been hired for fees "by private parties." In the ensuing debate over the motion Stearns and Strode argued that Hall and Lambertson were in the case to convict Mary at all costs to ensure that the individuals who hired them—whom most knew to be Dennis Sheedy and John Fitzgerald—received most of John Sheedy's estate. Although the motion failed, Stearns and Strode had introduced to the jury the idea of improper outside influence or even a conspiracy of powerful men and reformers to frame and convict Mary Sheedy. It was a suggestion, made several times in the press, that was sure to strike a nerve among the growing number of Nebraskans, no doubt including members of the jury, who believed that the unbridled power of the railroads with their monopolistic shipping rates was squeezing the income of Nebraska farmers and businessmen, corrupting state and local government, and undermining the integrity of the judicial system and democracy in general. This populist sensibility had provided fertile political ground for the development of the Farmer's Alliance and, the following year, would generate the founding of the Populist Party in Omaha. In thus playing to the jurors' prejudices, as Hall later charged, Strode skillfully undermined Mary's motive to acquire her husband's estate (after all, since the estate already was controlled by Sheedy's adversaries, she probably would not get very much anyway), and distracted the jury with a conspiracy theory.

When the defense rested its case, Novia Snell in "the best effort of his life," followed by Judge Weir, and then Frank Hall, who spoke with "unparalleled eloquence in the annals of the Lincoln bar," reasserted in their closing arguments the validity of the confession, and the other evidence, and the presence of motive, opportunity, and ability of the defendants to commit murder. Hall, in particular, reasserted the soundness of the case and confronted the conspiracy theory head on, discounting as absurd

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***Whichever way one took it, her story—and the murder case itself—undermined the integrity of the booster ethos, shook middle class confidence, and exposed deep racial, gender, sexual, moral, and psychological tensions that threatened social order in Lincoln's complacent post-frontier society.***

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lishments and increased complaints of racial incidents uptown, but in general, the case against both defendants was based on McFarland's confession, the murder weapon, and corroborating circumstantial evidence. Local newspapers declared it an open-and-shut case against McFarland, but wondered if the case was strong enough against Mary, since there was some question whether or not McFarland's confession could be used against her.<sup>21</sup>

Defense attorneys Jesse Strode, Royal Stearns, L. W. Billingsley, and Judge H. W. Weir of Boise City, Idaho, who joined the defense at the suggestion of Mary's uncle, undermined every detail of the prosecution's case: McFarland's confession was made under duress (though he did not testify, he later said that he had confessed falsely in fear of being lynched; the prosecution argued he confessed on three separate occasions, clear evidence of the truth of the confession). The Sheedys were happily married. Testimony placing Mary Sheedy and Walstrom together was false. The idea of a relationship between McFarland and Mary

evidence of Mary's relationship with Sheedy before they were married, her previous history, her alleged relationship with Harry Walstrom, and her character, reinforcing their point, which was supported by Victorian gender attitudes, that it was absurd to suppose that a woman could commit such a crime. Evidence that Mary openly mourned her husband (and was not seen "gaily" playing the piano in her parlor the afternoon after his death as testified by a prosecution witness) strengthened the idea that she was not a cold-hearted murderer. Playing the on sympathy for Mary Sheedy that Hall and Lambertson's unrelenting assault on her character had elicited, Stearns and Strode had her present herself in court as a moral, middle class widow dressed in black and so emotionally wrought by her husband's death that she barely acknowledged McFarland's presence, implying that the two scarcely knew each other.

Near the end of the trial the defense shifted tactics and filed a motion objecting to Hall and Lambertson's participation in the prosecution on the grounds that

the idea that the prosecution was “in this solely for blood money,” and defending the right of a citizen to support the prosecution and offer a reward.

In their closing, Stearns and Strode hammered away at the confession, punched holes in the flimsy circumstantial evidence, undermined the prosecution’s evidence of motive, and played upon sympathy for Mary Sheedy, whom they characterized as a wronged woman. Then Strode again raised the conspiracy issue, remarking that “Mr. Hall was a member of a firm of railroad attorneys.” Hall took the bait, angrily denouncing Strode in open court as appealing in an “unprofessional” and “unmanly” manner to “the prejudices of the jury,” whom he suspected “might all be members of the farmer’s alliance.” In doing so, he played into Strode’s hands by again distracting the jury from the evidence of the case.

In his instructions to the jury, Judge Field reiterated that although the defendants were being tried together, the case against each should be considered separately. He also instructed the jury not to consider McFarland’s confession as evidence against Mary, and he clarified the definition of circumstantial evidence.

Late on May 28 the jury went into deliberation, as local newspapers, expressing concern that Mary Sheedy would probably get off, proclaimed the defendants guilty. The following afternoon the jury returned with its verdict: Not guilty on all counts for both defendants. Spectators in the courtroom and standing outside exploded into cheers—punctuated by some hissing. The press proclaimed the decision a miscarriage of justice and expressed concern that even the legal system was corrupt. But even as the shock swept through Lincoln society and the legal community, something in the response seemed amiss. Not only was it unclear who had murdered Sheedy, it was also quite unclear what had transpired in the prosecution, and a pall of suspicion was cast over the actions of all involved.<sup>25</sup>

Newspapers suspiciously scrutinized the motives, tactics, strategies, and pro-

cedures of police, prosecutors, lawyers, the mayor at the time of the murder (Robert B. Graham, whose term had ended in April 1891), and various groups of townspeople, making it seem as if the truth were inaccessible. Critics of Mayor Graham declared that he had “sought to

comment—he had interfered in the local investigation by bringing in Pinkerton detectives, had offered of a reward for information leading to the arrest of the murderer, and had hired Frank Hall to back up the county prosecutor, Novia Snell, an old friend of John Fitzgerald, whose role also was questioned. Fitzgerald had been appointed an administrator of John Sheedy’s estate, even though he was Sheedy’s adversary. It appeared that he and Dennis Sheedy were bent on convicting Mary, guilty or not, so they could gain control of John Sheedy’s entire estate.

Also questioned were the actions of individuals who sought Mary Sheedy’s conviction but then seemed to side with her at critical moments in the case. It was unclear, for example, why Chief of Police Melick allowed himself to be befriended by Mary Sheedy while she was in custody at his house. Even stranger was his appointment by the court after the trial to replace Mary as an administrator of John Sheedy’s estate. He and his old friend John Fitzgerald, both reformers and Law and Order men, had worked together for years to bring down John Sheedy, and upon Mary’s acquittal, now controlled the estate. This seemed to fit suspiciously well with Fitzgerald’s decision, apparently at Dennis Sheedy’s request, to hire Frank Hall, and it seemed to corroborate suspicions of a plot against Mary. Finally, when Mary was acquitted and the alleged plot backfired, the very men who prosecuted her with such determination gained control of the estate anyway. It suggested to some that the prosecutors had covered themselves for either outcome, and had achieved their goal.

That scenario would explain the presentation of what some believed was a weak case against Mary, and it suggested an even deeper conspiracy to sacrifice McFarland but acquit Mary and thereby assure that all the lawyers involved would be paid—if she were acquitted she would have her share of the estate, administered by Melick and Fitzgerald, from which to pay Stearns, Strode, and

## MONDAY’S YARN.

Given to the Jury in the Sheedy Murder Case.

WAS HE MOVED BY HOPE OR FEAR?

McFarland’s Confession Goes In as Evidence—The Defense Hold It Was Obtained by Threats and Promises—The Jury Will Have to Decide that Point—The Story of the Murder as Unfolded in Court.



After seven days of laborious work and the examination of 470 persons a jury of twelve men, good and true, was secured Monday afternoon to try the defendants Mrs. Mary Sheedy and Monday McFarland for the murder of John Sheedy on Sunday evening, January 11, last. Of the first special panel but three jurors were selected; one from the second and eight from the third. The

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Local and regional newspapers followed the Sheedy trial closely, often giving the lead position and dramatic headlines to each day’s developments. “Monday’s Yarn,” May 16 and “Both Go Free,” May 30, (opposite) were headlines in *Vanity Fair*, a Lincoln illustrated newspaper with a particular bent for sensationalism.

close his term with a blaze of glory, at the expense of justice.” Melick and Malone were accused of having been blinded by ambition and willing to gather evidence at any cost. Dr. Holyoke’s unexplained closing of the inquest raised the specter of a conspiracy to convict Mary Sheedy and McFarland without due process. Dennis Sheedy’s involvement also drew

# BOTH GO FREE!

**Mary Sheedy and Monday McFarland Acquitted.**

**CROWDS DRINK IN THE ELOQUENCE.**

**Attorney Lambertson Closed the Arguments Thursday Afternoon and the Case Was Given to the Jury at Six O'clock—A Remarkable Trial—Synopsis of the Arguments.**

**The evidence in the Sheedy murder case closed Saturday with some unimportant rebuttal testimony offered by the state. In the main, however, it was simply a denial**

Weir. The following year Melick and Fitzgerald, as estate administrators, along with Dennis Sheedy, resisted Mary's efforts to acquire a larger share of the estate. Meanwhile, the newspapers seemed more interested in speculating about the lurid details of a "noted criminal case" and pandering to a popular fascination with malfeasance rather than digging for the truth.<sup>27</sup>

A "show trial," the case involved some of the city's most prominent lawyers and deepened public concern about the motives and impartiality of Lincoln's bar. The trial seemed more important to lawyers as a career boosting—

indeed, career defining—opportunity (J. C. Strode's obituary thirty years later made note of the case, for example). Various observers, while recognizing that the lawyers pursued justice by working as hard as they could for their clients, even if it meant true guilt or innocence was not determined, questioned the motives, tactics, and actions of lawyers on both sides. The motives of Frank Hall, a railroad lawyer for the Burlington and Missouri Railroad Company and a partner of John Fitzgerald's lawyer, Turner Marquett, were questioned from the start. When Hall drew attention to the issue of undue influence by apologizing

to the jury for being "a railroad lawyer" with no criminal law experience, and then stepped easily into Strode's "trap," further questions arose. In fact, there was no dearth of criminal law experience on the prosecution team:

In spite of his disclaimer, Hall did have criminal law experience, and Dennis Sheedy also had hired Genio Lambertson, who had been U. S. Attorney from 1878 to 1887, and had secured the city council's vindication in 1887 after returning to private practice.

Tactics such as the risky decision to permit the defendants to be tried together were questioned as well, though there may have been no other way to get McFarland's confession before Mary Sheedy's jury. Risky, too, was their apparent overconfidence, their overly formal rhetoric in their closing arguments, and their surprising excitability a number of times in the case, which led some to wonder if, rather than pursuing Mary's conviction, they had conspired to "sacrifice McFarland" to make it seem that justice had been served, while purposely offering a weak case against Mary to assure her acquittal.

Perhaps what appeared to be a half-hearted effort reflected a certain ambivalence about the case. Perhaps they were unwilling to press for a murder conviction and a possible death sentence (but no woman, even to this day, has been executed in Nebraska, and the sentence probably would have been life imprisonment). Or perhaps they were inclined to exonerate her, seeing some measure of self-defense in her act; perhaps they considered the murder to have done the city a favor. As lawyers who had encountered each other for years on opposite sides of the ongoing struggle between the Law and Order League and John Sheedy, the prosecution team had represented clients who, for a variety of reasons, had long since lost patience with Sheedy and wanted to see him brought down. They may have seen Sheedy as a man whose departure from Lincoln—or life—would not be grieved. Perhaps, for prosecutors and defenders

alike, justice had already been done with Sheedy's death, even if his murderer was never brought to justice. Who really murdered John Sheedy, and who else was involved seemed, to many Lincolnites, a question that no one really wanted to answer. In the larger battle of good versus evil, they may have concluded, Sheedy had received his due, and the end justified the means.

Though the defense attorneys Stearns, Strode, and Weir were pleased with the outcome, and the prosecutors seemed to feel that they had done the best they could, public opinion focused on the lawyers' efforts to acquire large fees for a case "of more than ordinary importance" from Sheedy's estate or the district court. After perfunctory expressions of joy or disappointment over the verdict, the prosecutors scrambled to recover costs and fees from the court, while the defense attorneys pursued their fees. Indeed, the day of the verdict, Charles Gates Dawes, prominent lawyer and businessman, wrote to his friend J. D. Cox, reporting not on the verdict but on the scramble for fees. He noted having heard that "Colonel H. W. Weir of Boise City," who had arrived late in the case to back up Stearns and Strode, objected to the proposed fee of \$15,000 and "lopped off \$2,500" to make it \$12,500 for Strode and Stearns (equivalent to about \$200,000 today).

Dawes wrote that he got involved when Weir, "counsel for Mrs. Sheedy," asked him to research Sheedy's real estate holdings, because Weir expected he would "have to take a mortgage for his fee." Dawes thought Weir "an able and genial gentleman," who "has a tough client in Mrs. Sheedy." Dawes gave Weir the "disappointing" news that Sheedy's estate was worth only \$54,500 (about \$1,000,000 today), consisting mostly of the Hotel Mack, the Sheedy residence, another downtown lot, and eighty acres in Clay County. In any case, because the estate was controlled by John Fitzgerald, and indirectly, by Dennis Sheedy, Mary Sheedy, though acquitted, eventually indirectly paid

part of the prosecuting attorneys' fees as well. McFarland's lawyers were remunerated by the court.<sup>28</sup>

The day after his acquittal, Monday McFarland, dressed in a "new suit of clothes," left town "to visit his mother in Kansas." Mary Sheedy, after visiting her mother in Iowa, eventually returned to Lincoln. She sold the Sheedy house later in the year, and the following spring was living in "rooms" at 1452 O Street, still listed as "widow of John." Later in 1892 she left Lincoln to marry Max Brust, a traveling salesman for the American Tobacco Company, in San Francisco. On March 1, 1893, using the name Mary Brust, and "in need of money," she sued the estate for a larger monthly allowance than the \$83.33 she was receiving. The county court ruled against her, but she appealed, and Dennis Sheedy brought in Frank Hall to argue the case in district court. The judge dismissed the case declaring that Mary had already helped herself to the household furniture, a horse and buggy and \$500, and that she had, therefore, already received an amount "to which she was by law entitled." By 1900 Max Brust had settled down as a storekeeper, and soon thereafter the couple apparently left San Francisco.<sup>29</sup>

It is difficult to measure the effect of the trial on Lincoln. Though events had raised questions about the similarities in the tactics of reformers and the corrupt powers they aimed to reform, the outcome, and the evasive responses to it, seemed to confirm the faults of the existing judicial system as well as the gender and racial structures implicit in the booster ethos. With Sheedy gone, the way was open for the Law and Order League and other reformers. A month before Mary Sheedy's acquittal, Austin H. Weir (not to be confused with defense attorney Judge H. W. Weir) had been elected mayor on a "citizens reform ticket," which C. G. Dawes called a "great triumph for honesty and reform."<sup>30</sup>

The convoluted machinations of the trial raised deep concerns about endemic corruption in public life and

broadened the constituency supporting reform. Meanwhile, emboldened reformers broadened their cause to include social as well as political reform and the elimination of vice. Several progressive organizations were founded in 1892 and 1893, and calls for reforms in state and city government and the railroads highlighted the conflicts of interest and corruption at the heart of the booster ethos. Then the crash of 1893 hit Lincoln hard, forcing many companies into bankruptcy, throwing thousands out of work, and leaving the street "very quiet" in the fall of 1893. As people stepped back and considered the corruption of the system, a "great wave" of "reform in municipal and state governments before notoriously corrupt" swept across Lincoln, opening up a new chapter in the city's history.<sup>31</sup>

Though the timing of Sheedy's murder and resurgent reform may be merely historical coincidence, it is striking, nevertheless. The advantage Sheedy's removal gave reformers, however, was undermined during the recession that followed the crash of 1893. Like other groups, the booster reformers faced crisis and decline, and increasingly, local initiatives failed, were cut short, fell short of expectations, or drifted aimlessly. In the mid-1890s, after years of growth, the core groups of Lincoln's booster culture, the Union Club and the Chamber of Commerce, suffered a wave of departures and resignations. For ten years or more, wholesale changes in city personnel and declines in membership left the survivors struggling to pursue their social agendas in a declining city: the booster ethos had lost its dynamic force, leaving it vulnerable to conservative reformers in pursuit of conservative ends.

Across the nation, a rising tide of reform and the crash of 1893 spurred the rise of Progressivism and the conversion of boosterism into city planning and scientific municipal administration. In Lincoln the same convergence, moving dynamically along a different trajectory, shaped an increasingly conservative urban culture. Instead of taming the



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metropolis and serving as a handmaiden of development, reform emerged as a strategy to slow or control social modernization and liberalism. After 1900—and even through the 1960s—conservative reformers and boosters continued, anachronistically, to employ a closed, personalized style of elite leadership. The legacy of the crisis of the 1890s would run deep in Lincoln's history.

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### Notes

<sup>1</sup> Steven J. Diner, *A Very Different Age, Americans of the Progressive Era* (New York: Hill and Wang, 1998); *Omaha Bee*, Jan. 19, 1891. From January through June 1891 the Sheedy murder case was covered extensively in *The Omaha Bee*, *The Daily State Journal* (Lincoln), *The Lincoln Daily News*, *The Lincoln Evening News*, *Vanity Fair* (Lincoln), and other publications. Most references to, and brief quotations from these sources are not individually cited.

<sup>2</sup> *Lincoln Evening News*, Jan. 19, 1891; Daily Police Record, January, 1891, Records of the city of Lincoln Nebraska, RG 0301, Nebraska State Historical Society (hereafter NSHS).

<sup>3</sup> Lancaster County District Court, General Index, Volume B; Complete Record, Volume Q, 272; Appearance Docket, Volume K, 60; Court Journal, Volume H, 372, 377, 426, Records of Lancaster County, Nebraska, RG0207, NSHS; *Kent's Directory of Lincoln* (Lincoln, Nebr.: 1880); Sam Glenn, *Directory of Lincoln* (Lincoln, Nebr.: 1881); *Lincoln City and Lancaster County Directory for 1882-1883* (Lincoln, Nebr.: 1882); *Wolle's Lincoln City Directory* (Lincoln, Nebr.: 1883); *Charles L. Barker's Lincoln City Directory for 1885-6* (Lincoln, Nebr.: 1884); *Lincoln City and Lancaster County Directory 1886* (Chicago, Ill.: 1886).

<sup>4</sup> *Vanity Fair*, May 16, May 30, 1891.

<sup>5</sup> *Omaha Bee*, Jan. 19, 1891; *Daily State Journal*, Jan. 20, 1891.

<sup>6</sup> *Omaha Bee*, Jan. 20, 1891.

<sup>7</sup> Nebraska Commission on Public Advocacy, "First Degree Murder Convictions, A Sentence of Death Imposed by the District Court (From 1866 to April 19, 1973)," July 6, 1998. <<http://www.nol.org/home/ncpa/JPAGE/Pre73dp.htm>> June 11, 2001. The author thanks Steven Ramold for this information. Federal Writer's Project, *Lincoln City Guide* (Lincoln: Woodruff Printing Company, 1937), 26.

<sup>8</sup> Gail Boderman, *Manliness and Civilization: A Cultural History of Gender and Race in the United States, 1880-1917* (Chicago: University of Chicago Press, 1995).

<sup>9</sup> *Nebraska State Journal*, Dec. 31, 1894, Dec. 29, 31, 1890; Jan. 1, 1891; *Fitzgerald v. Fitzgerald & Mallory Construction Co.*, (Nebr. 1894) 59 N. W. 838, 41 Neb. 374; *J. L. Shellenberger v. F. T. Ranson et al.*, 31 Neb 61; *Lincoln Evening News*, Jan. 18, 1891.

<sup>10</sup> *Daily State Journal*, Aug. 5, 1887; James Gilbert, *Perfect Cities: Chicago's Utopias of 1893* (Chicago: University of Chicago Press, 1991); *Vanity Fair*, May 30, June 6, 1891.

<sup>11</sup> A. T. Andreas, *History of the State of Nebraska* (Chicago: Western Historical Company, 1882), 213; William C. Pratt, "The Omaha Businessmen's Association and the Open Shop, 1903-1909," *Nebraska History* 70 (Winter 1989), 172-183; "Law and Order League" Journal, John Henry Hauberg Papers, Augustana College, Rock Island, Illinois.

<sup>12</sup> *Daily State Journal* June 27, 1885, June 3, 1887, Jan. 12, 1891; *Lincoln Daily News*, Aug. 6-10, 29, 1887.

<sup>13</sup> *Daily State Journal*, Apr. 7, 10, 11, Nov. 9, 1885; City Council Proceedings, New Police Regulations, Nov. 9 1885, City Records, RG0301, NSHS.

<sup>14</sup> *Daily State Journal*, Jan. 21, 1886; Ruth M. Dodge, "A History of the Municipal Organization of Lincoln, 1867-1887" (M.A. Thesis, University of Nebraska, 1934), 134; *Lincoln City Guide*, 23-25; Timothy R. Mahoney, "A Common Band of Brotherhood; Male Subcultures, the Booster Ethos, and the Origins of Urban Social Order in the Midwest of the 1840s," *Journal of Urban History* 25 (Summer 1999): 619-46; Andreas, *History of the State of Nebraska*, "T. P. Quick," 1077.

<sup>15</sup> *State of Nebraska v. John Sheedy*, Mar. 22, 1884, Lancaster County District Court and *State of Nebraska v. various defendants*, Mar. 13, 1885, both General Index, Lancaster County District Court, RG0207, NSHS; *Daily State Journal*, June 20, 1885.

<sup>16</sup> *Daily State Journal*, Jan. 15, 17, 19, 21, 27, 1886.

<sup>17</sup> *Ibid.*, Feb. 26, 5, 3, 2, 1886; *State of Nebraska v. Ann Tripp*, Mar. 24, Nov. 19, 1886, General Index, Lancaster County District Court, RG0207, NSHS; Police Judge's Docket, Albert F. Parsons, 1886, and City Council Proceedings, Mar. 18, May 17,

June 1, 1886, both RG0301, NSHS.

<sup>18</sup> *Daily State Journal*, May 12, 1887; *State of Nebraska v. John Sheedy, A. Saunders, et al.* June 23, 1887, Lancaster County District Court, Complete Record, Volume D, RG, RG0207, NSHS.

<sup>19</sup> *Daily State Journal*, Aug. 2, 5, 10, 11, Sept. 20, 1887; *Lincoln Daily News*, Aug. 2, 6, 9, 10, 29, Sept. 20, 1887.

<sup>20</sup> City Council Proceedings, Aug.-Dec. 1887, RG0301, NSHS.

<sup>21</sup> *Sawyer, In re*, U.S. Neb. 1888, 8 S. Ct. 482, 124 U. S. 200; Scrapbook, Andrew J. Sawyer Papers, RG ; NSHS; Andrew J. Sawyer, "History of the Incarceration of the Lincoln City Council," *Proceedings and Collections of the Nebraska State Historical Society*, 10 (1902): 105-37; *Daily State Journal*, Sept.-Nov., 1887; *Lincoln Daily News*, Sept.-Nov. 1887.

<sup>22</sup> Obituary, James Malone, *Lincoln Star*, Dec. 11, 1918; Obituary, Samuel Melick, *Lincoln Star*, Jan. 22, 1923.

<sup>23</sup> *Lincoln Evening News*, Jan. 19, 1891, General Index, Volume B, 1872-1900, Lancaster County District Court, RG0207, NSHS.

<sup>24</sup> *Lincoln Evening News*, Feb. 3, 1891.

<sup>25</sup> *Omaha Bee*, May, 19, 29, 1891; *State of Nebraska vs. Monday McFarland and Mary Sheedy*, Case File, Appearance Docket, Volume C, 165; Criminal Complete Record, Volume E, 292-97; Volume F, 347-427, Lancaster County District Court, RG0207, NSHS.

<sup>26</sup> *Lincoln Evening News*, Jan. 13, 1891; *Omaha Bee*, May, 31, Jan. 14, 1891.

<sup>27</sup> *Omaha Bee*, May, 4, 31, 1891.

<sup>28</sup> *Portrait and Biographical Album of Lancaster County, Nebraska* (Chicago: Chapman Brothers, 1888), 695-96; *State vs. McFarland and Sheedy*, Case File 39, Appearance Docket, Volume C, 165; Criminal Complete Record, Volume E, 292-97; Volume F, 347-427, Lancaster County District Court, RG0207, NSHS; *Omaha Bee*, May 30, 1891; Charles Gates Dawes Diary, May 30, June 1, 1891; Dawes to J. D. Cox, May 29, 1891, Charles Gates Dawes Papers, Northwestern University.

<sup>29</sup> *Vanity Fair*, June 6, 1891; *Hoye's City Directory of Lincoln*, (Lincoln, Nebr.: State Journal, 1892); *Sheedy v. Sheedy*, 36 Neb 373 (1883); *San Francisco Crocker-Langley City Directory* (San Francisco: 1892, 1900), *San Francisco Call*, Newspaper Vital Records for 1892.

<sup>30</sup> Dawes, Apr. 8, 1891.

<sup>31</sup> John Anderson, "Lincoln, Nebraska, and Prohibition: The Election of May 4, 1909," *Nebraska History* 70 (Summer 1989): 184-200; Bascom N. Timmons, ed., *A Journal of the McKinley Years By Charles Gates Dawes* (Chicago: The Lakeside Press, 1950), 21, 40, 46.