

LAW AND LAWYERS

What Courts are for, and Where They Fail.—Too Many Lawyers.—Some Needed Changes.

COMPULSORY ARBITRATION LAWS.

The People Need Education in the Law.—How They Should Secure it.

About Law and Lawyers.

From time to time in the history of our country our courts of justice have so far gone astray from constitutional and statutory law as to call from the people open censure, but aside from these occasional diversions the judiciary of our country as a function of government, has been nearly free from criticism.

The common law as it applies to our people today, is the result of the experience of centuries. The right of trial by jury is a right guaranteed us by our constitution. The right of trial in a court of last resort is also constitutional. Upon this right is based appellate courts.

Law is, as a rule of conduct, established by authority, statute, edict, decree.

In a good government men must be provided with means of settling differences, and the rules of our common law practice would seem to be equitable as just; but there are monstrous evils hidden practically from the popular view, that are sapping our courts of every vestige of justice. This is a fearful statement—one which, if true, should call out a most thorough investigation. I dare say there is not a lawyer among all the hosts in Nebraska, who feel and grow fat upon the misfortune of others, who will not take up his hands in holy horror at this statement. And why not? Has not the state made our courts? Has it not established the profession of law and surrounded it with protection? Have not our professional men spent their time and money to fit themselves for the practice of law? Did they not do so in good faith with the state? But stop a moment, not in a spirit of bigotry, but with a desire for honest investigation: What is the aim of our courts? You say "to secure justice." Does it do this? Or, you stop here to say, "the constitution of the United States secures to every man the right of trial by jury, where the value in controversy shall exceed twenty dollars and that the right to a hearing in the court of last resort shall be preserved." I again ask, what is the object of the court, and I answer that the object should be to secure exact justice to litigants. Do our courts do this? Go with me into a law office: in comes a man for advice; he is ignorant of technicalities of law; he is in trouble; he states his case; the lawyer questions and cross questions him upon his evidence. Then he says to himself, "If I don't take this man's case, some other fellow will; I have spent my life fitting myself for the profession, and the profession owes me a living; lawyers are too thick in this town for the good of the profession anyway, and now no business can be lost." So he says: "See here, my friend, you've got a good case, and we can make it hot for the other fellow." They bring an action; he pays his lawyer more than the amount claimed in the suit. The case is appealed; the district court reverses the decision; they go to the supreme court to decide some technicality of law that never had anything to do with the rights of the litigants. Each man has paid to his attorney several times the amount of the original claim and court and witness fees besides. What for? To apply to test the skill of the attorneys. Cases at the bar are tried by the legal profession with the sole object of winning the case, and the rights of litigants are entirely lost sight of. I make still another charge. The desire to win cases at all hazards has polluted the best testimony, corrupted men and established justice.

Terrible charges are these made against the arbiters of justice. What is the remedy? When our wise men give us what our constitution guarantees, "the right to Life, Liberty, and the Pursuit of Happiness," must turn to the people.

Popular governments will only advance as the people are educated. Education will always rise with opportunity. Opportunity can come from the law alone.

Let us educate our people in the law. This will be done by giving them the law, not stintingly, but with a view of elevating them above the necessities of professional help. This done, let us abolish the appellate jurisdiction of our courts.

Then give us compulsory arbitration. The people are ready now for a compulsory arbitration law, such a law as will with all its settle differences between litigants upon purely equitable principles. Such a law will allow those

seek our courts only to get an unprejudiced opinion as to which is right?

But how about that constitutional right to appeal? You forget that while I avail myself of the right to go to another court, at the same time I arbitrarily compel you to go there to defend. And while this is true, the second and third court as often reverse as confirm the decisions of the lower courts. I would not seek to destroy the right to a new trial. This right should be preserved inviolable; but every case should be settled in an arbitration court of the same jurisdiction in which it began, and the right of a new trial should only be given to avoid prejudice and should be final. This would give exact justice at a minimum expense—not from a standpoint of technical law, but from a standpoint of equity.

The people should clamor for better means of education in the law, not only for the citizen, but for the school boy and girl.

Every school in the state should be furnished with the statutes of the state. This can be done by the state for almost nothing, and who can tell the school boy or girl?

We wish to afford no man who is raising his livelihood by the practice of law, a law as a grand study and the man who spends his life in the work legitimately has a great opportunity for research, but we think the people should reach a higher plane of government. The law is too ponderous. Certainly the conditions which surround us make many times the litigation, that under good conditions would exist, but this only serves to teach us more plainly that our courts are cumbersome. I do not censure the courts, for I well know how many times a powerless court sees justice defeated.

Let us establish a court whose whole duty it shall be to sit in judgment on the rights of parties from a standpoint of equity and right. If by the application of such a law it should be found that the profession is over-crowded, the weaker can find employment in some productive enterprise.

It takes years of education to change the type of public opinion. Public opinion is largely the result of education. Investigation of old and tried remedies is always attended with uncertainty if not prejudice.

Let our legislators speak to us through the statutes in terms so plain as to leave no uncertainty, no ambiguity. Then give the law to every school boy and in two decades there will be a marked change, not only in the amount but in the character of our litigation.

Fraternally,
JAY.

Looking Forward.

The popular movement has passed the experimental stage and reached the point where departure must be taken for wider development. Like the traveler in the "Pilgrim's Progress," we have arrived at the top of the "Doubtful Mountains" from which a view is obtained of the beautiful Land of Beulah. The hardships of the journey have been great, the struggle has been continuous and bitter, but the worst is over, and the outpost; at least has been captured. It now remains for the army of freedom to gird its loins for the final conflict. How shall it recruit its ranks, strengthen its lines and increase its efficiency are now the questions pressing upon its leadership and its rank and file for solution. The answer readily suggests itself to every-observant mind. With wise management, sound doctrines and a true missionary spirit, the gallant cohorts that marched to the polls on November the 8th and recorded their protest so loudly against false economic and social systems, can be increased to many millions before another great quadrennial election rolls around. Observe the significant signs of the times. Read the braiding words of Myron Reed from his great pulpit at Denver. Note the utterances of Mr. Stechhan, reported in this day's paper. See what is said by Judge Baldwin to the Progress club of this city. Even as we write, a letter is handed us from this prominent economist which contains the following pregnant sentence: "I believe the democrats will redeem every pledge they have made. If they do not, there stands a great fact—over 1,000,000 vote, twenty-four million of the electoral college and after March 4, half a dozen United States Senators, all Populists." So writes Judge Baldwin, who lately supported Cleveland, but with the failure of reforms promised stands ready to come to the third party. And as he talks so are thousands and thousands of others talking who have grown heart-sick and weary in waiting for relief from the old organizations.

These men are all with us on essential things. They think as we do, feel as we do, and, impelled by that hope deferred which maketh the heart sick, will eventually vote as we do. They should not only be cordially invited into the ark of the covenant, but made thrice welcome when they come.

The fruit is ripe for the plucking; the harvest is ready for the gleaner. Even now can be heard the notes of the old patriotic song: "We are coming Father Abraham, three hundred thousand more." No stumbling blocks should be placed in their way; no chilly greeting should cool their ardor or check their enthusiasm. Make the way easy; extend the right hand of fellowship. Demonstrate the merits of your cause, the righteousness of your demands, the broad catholicity of your principles. Haggle not on minor matters, side issues or questions purely theoretical. Insist only on fundamentals—those great truths which affect the right of man, both in the abstract and the concrete—those immutable principles which do not change with the rise and fall of parties, but whose correct application is indispensable to the welfare of human society. The outlook is auspicious and well calculated to cheer the

The Last of Ben Butler.

The death of Ben Butler removes from this country one of its most eccentric, irrepudiable and original characters. He was a fighter by nature, and as a soldier and an attorney, shrank from no conflict, however hot. His moral sense was not discriminating; his nature was unrefined; he was not addicted to sentiment. He was characterized by a remarkable memory, an astonishing keenness, a delicious sense of humor and a courage and perseverance that were indomitable.

Never was a man more indifferent to criticism. He stood for the cause he espoused regardless of consequences. He could find the weak point in his enemy's position with a celerity that was matchless. And he took advantage of it with relentless intelligence. His justice was untempered by mercy, and for this reason he made himself enemies with the apparent avidity which other men exercise in making friends. Never did the cartoonists have a better subject than in him. His lopsided face, his invariably rufous hair, his rotund form and slovenly mouth, with the magnetic and lightning-like glance that transformed it from a sort of jocular swiftness into something of extraordinary intelligence and power, made him the darling of the caricaturist.

He will not be missed much, for he had reached his dotage, and divided his time between chewing gum and trying to prove the unconstitutionality of recent legislation. But even his worst enemies will not deny that he had the courage and brilliancy to do the nation a vital service in an hour of need, or that his place in history will be an interesting and unusual one.—World-Herald.

Many troubles and vexations were caused by a visit which was paid the other day by the czar to the military camp at Izora. The latter place is a village on the Neva, about ten miles from St. Petersburg, and accessible by water or rail. On the occasion of the visit soldiers were placed on the railway. Not far from the city are a number of mills, the workmen at which live on the opposite side of the line, going home daily for their meals. These workmen got to their work on Saturday morning, but were not allowed to cross the line again the whole day, being obliged to go without their food or buy it in a public house. No traffic was allowed. Even people who had their own farmlands on the sides of the railway were forbidden to walk across. The trains from Moscow were stopped, and were sent off all within a quarter of an hour of each other in the evening. The river traffic was also entirely suspended.

It can be readily imagined, writes our correspondent, what discomfort such suspension of traffic occasioned, and it is only a Russian official who can see the good of it. On the way back the czar wanted a cup of tea, but owing to a sudden jerk of the railway carriage the tea was upset. The next morning (so goes the story) the whole line between St. Petersburg and Izora was carefully searched by numbers of men, ordered to find out what had jerked the czar's teacup! Every time the czar goes up and down to Peterhof the steamers have to be decorated, traffic is suspended on the river, and occasionally even the loading of steamers is stopped.

A Legend About Cholera.

Here is an Eastern legend that is timely:

One day the Angel of Death visited a country in Asia. The king of the country asked him what plague he had brought under his sable wings.

"The cholera," answered the messenger.

"And how many victims will the plague claim?"

"Six thousand."

Cholera raged throughout the king's domains. Twenty-five thousand people died.

Some time after the king saw the Angel of Death again.

"You did not keep your word," he said; "you promised me the cholera would take but 6,000 of my subjects, I have lost 25,000."

"I did keep my word," answered the somber enemy. "Cholera killed but 6,000 in your kingdom."

"And the other 19,000 of what did they die?"

"Of fear."

Mohammedan Judgment Day.

The Koran, sura LXXXI, has this to say concerning the general "Judgment Day," which nearly all religions teach in common: "When the sun shall be folded up; and when the stars shall fall; and when the mountain shall be made to pass away; and when the wild beasts shall be gathered together; and when the seas shall boil; and when souls shall again be joined to their bodies; and when the girl who hath been buried alive shall ask for what crime she was put to death, and when the books shall be laid open; and when the heavens shall be removed; and when hell shall burn fiercely; and when Paradise shall be brought near, then shall every son know what it hath wrought."

Spoke Louder Than Words.

A colored man entered a Richmond fish store, came to a pile of shad, and being somewhat skeptical as to their freshness, he raised one to his face. The dealer asked him indignantly: "What do you mean by smelling of that fish?" "Didn't never smell of fish no how, massa. Oaly speak to him." "Ah, indeed and what did he

Senator Paddock's Sentiments.

TUNE: "The Year of Jubilo."
Oh, bankers come and give me credit
For the good that I have done;
Come railroads too and say how faithful
I my race have run.
From early morn till late I've striven
To know and do your will;
Keep me then, with Holden handy,
To do thy bidding still!

CHORUS:

Six crops are gone, ha ha,
The mortgage stays, ho ho,
Sign of railroad prosperity
And the banker's jubilo.

I oppose all plans to cheapen money,
And raise the price of wheat;
Our farmers should be glad to labor—
John Bull cheap food should eat;
With higher prices for farm produce,
No mortgage would we see;
And quality there would come
A finish to all prosperity.

And so if we controlled the railroads,
As other nations do,
And had them run to help the many,
Not to enrich a few,
In all Nebraska's golden borders
No mortgage would there be;
No more could we lift up our voices
And shriek "prosperity!"

The hogs are rooting in the parlor—
They mean the mortgage harm;
They own they'd like to drive this blessing
From every home and farm.
The cowbirds walked straight into congress
No mortgage friends are they;
But while you keep me in the senate,
The mortgage will surely stay.

—Miss J. T. KILLER.

They Meant It.

Colorado, Kansas, Nevada, Nebraska, North Dakota and Idaho!

Is there something in the air of those glorious Western states that imparts vigor and manliness to its voters on election day or, how else shall we account for the magnificent victory achieved by the People's party in those states on the 8th of November?

South Dakota, Wyoming, Montana, Washington, Oregon and Texas were not far behind. Another election soon will find them all in line.

You say these were all "silver states," and that they shouted for free silver from a selfish motive.

How about Kansas and Nebraska, where the fight has been waged longest and loudest and most successfully, and underneath whose soil has never been found a grain of silver?

The fact is, there is precious little foolishness about those hardy pioneers of the Western mountains and prairies. When they go gunning—for "greener," grizzly or gold basis—somebody or something is going to get hurt.

When the Omaha convention adopted its platform and said they were going to put Weaver in the White house, the delegates from those far-western states didn't jump any higher nor shout any louder than the rest, but you see, they meant it, and Republicans might succeed in parliament. Quite a number of them had gone home to spend Sunday and a number of "pairs" this announced. A rumor was spread that the Republicans were going to put Weaver in the White house. A rumor was spread that the Republicans were going to put Weaver in the White house. A rumor was spread that the Republicans were going to put Weaver in the White house.

A Bargain Not Known.

The Wayne Journal, on Sept. 1, offered for sale at a great bargain—option bill was endorsed by the new bills introduced the of interest: the taxation of deeds HOGATE, DAV... THESE JACKS are for hold- 16 hands high. These Jacks breeder, and imported by him

Special.

I will sell either of my fine 2-year-old boars. Paddy's Chip is one of the finest, if not the finest show hog in the west. Free Trade's Best is sired by that great show hog Free Trade, that was sold for \$100. Price on either one \$40.

L. H. SUTTER, Neligh, Neb.

Subscribe for THE ALLIANCE-INDEPENDENT.

Send ten cents in stamps to John Sebastian, Gen'l Ticket and Pass. Agt. C. R. I. & P. Ry. Chicago, for a pack of the "Rock Island" Playing Cards. They are acknowledged the best, and worth five times the cost. Send money order or postal note for 50c, and we will send five packs by express, prepaid.

Burlington Route Playing Cards.

New designs, round corners, flexible linen stock, permanent colors, worth 50 cents. We sell them at 15 cents. Good scheme to buy a few packs, might need them this winter. Ebecher, whist, high five, etc.

A. C. ZIEMLER, City Passenger Agent.

Homes and Irrigated Farms, Gardens and Orchards in the Celebrated Bear River Valley on the Main Lines of the Union Pacific and Central Pacific R. R. near Corinne and Ogden, Utah.

Splendid location for business and industries of all kinds in the well known city of Corinne, situated in the middle of the valley on the Central Pacific R. R. The lands of the Bear River valley are now thrown open to settlement by the construction of the mammoth system of irrigation from the Bear lake and river, just completed by the Bear River Canal Co., at a cost of \$3,000,000. The company controls 160,000 acres of these lands and owns many lots and business locations in the city of Corinne, and is now prepared to sell on easy terms to settlers and colonists. The climate is healthy and irrigating facilities are provided and irrigation by competent men is unsurpassed in the valley to be had in the former Fruit Garden, Raisin, Nectarine, etc. schools and Hon.

Percheron and French Coach

HORSES.

MAPLE GROVE FARM.

Champion First Premium and Sweepstakes Herd

For the States of Kansas and Nebraska.

The Nebraska State Fair Herd Premium, for best show, all Draft breeds competing, was again awarded to my horses, making the fifth year in succession that my herd has been the recipient of this much coveted prize.

A Nebraska bred horse, raised on Maple Grove Farm, was this year awarded the First Premium and Sweepstakes at the Kansas State Fair, in competition with twenty-five head of horses from five different states, 150 head of registered, imported and home bred Percheron horses and mares.

A large portion of my present stock on hand, has been raised on my Farm and will be sold at prices below the reach of any importer in America.

I am in a position to give my patrons the benefit of not having paid any fixed sum, or expensive buying and transportation charges in order to own my horses. I cordially invite a careful inspection of my horses, and will guarantee the buyer that my stock cannot be equaled in America, either in the quality or the prices that I am asking.

Write for catalogue, and don't fail to inspect my stock before buying.

MARK M. COAD, FREMONT, NEB.

CREST CITY FARM

L. BANKS WILSON.

Breeding and Importing Establishment, One Mile from Depo Creston, Iowa.

200 Full-Blooded Percheron, English Shire, English Hackney,

Belgian French Coach, Cleveland Bays and Standard Bred Horses.



I have the largest assortment of European breeds of any man in America. I handle none but recorded stock; I do not permit a mouthful of hot feed to be given; my horses are not pampered and are properly exercised, and fed cool food, which I think are the main reasons why my horses have always been successful breeders.

Come and visit my establishment. I am always glad to show my stock.

A FEW GOOD DRAFT MARES FOR SALE

When arriving at Creston visitors will please telephone to the Crest City Farm and I will drive in after them. I am prepared to give long time to respectable parties.

Every horse guaranteed a breeder and must be as represented.

W. J. WROUGHTON & CO.

Cambridge, Furnas County, Nebraska.

IMPORTERS OF

Shire, Clyde, Percheron, Belgian, German, and Oldenburg Coach, French Coach, Yorkshire Coach, and Cleveland Bay St.

We Handle More Horses Than Any Firm in Nebraska.

We import our own horses, and have the advantage of being laid out in a wide scope of circuit every day, in all circuit cases in the state and ties which alone can provide for such attorney, who shall be elected for official terms of six years, a salary of \$1,500 per year besides giving him the usual fees upon conviction of criminals. It reduces the salary of county attorney in each county one-third, and withdraws all fees in certain classes of cases. Yeater, of Pettis, introduced a bill providing for an election to be held on the 5th day of next September, submitting to the people the question: "Shall a constitutional convention be called in this state for the purpose of revising and amending the constitution?" The bill fixes the manner of holding such convention and the election of delegates thereto, and by a vote of 10 to 13 the Hatch amendment bill was endorsed by the

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