

THE FRONTIER.

Investigations In Sheriff's Office Divulge More Corruption---Sale Book Is "Private"

APPRAISER FEE ROBBERY

The Frontier of last week entered more or less exhaustively into the subject of tax foreclosures that are being conducted by populist officers in collusion with the gang of land pirates of this city. In order to get the necessary data for this article, of course it became necessary to consult the public records in the various offices. As the sales are all made by the sheriff, one of the records necessary to consult was the Sheriff Sale Book which is kept in the sheriff's office.

At the commencement of our investigation of the workings of the land syndicate we had no thought of "experting" or making any particular investigation of our county officers in connection with the foreclosure business. Miss Kittie Bright of this city was employed to look up the record information concerning the tax foreclosures and when she called at the sheriff's office on Thursday afternoon, September 26, and asked to see the Sheriff's Sale Book she was very courteously shown the same by the clerk, Miss Sullivan. Miss Bright spent that afternoon copying from the record the sales that had been made in which Holt county was plaintiff. Unable to complete the work Thursday afternoon Miss Bright returned to the sheriff's office the following morning and was engaged in copying from the Sheriff's Sale Book when Sheriff Stewart entered and said to Miss Bright:

"The book is not for public use."

Miss Bright could not realize that by this he intended to refuse her the inspection of the book and she continued copying from it. Sheriff Stewart left the room but soon returned, and this time made his objection to an inspection of the book a little clearer and more forceful, saying:

"I would rather you would not use it; it is a PRIVATE book."

At this Miss Bright quit her work and reported that she had been refused by Sheriff Stewart the further use of the book. This book, which the sheriff sought to claim as "private," was bought by the county and Sheriff Stewart received it from his predecessor in office. It is needless to say that the sheriff was called upon by a gentleman who demanded to know why he refused the inspection of public records. In explanation Sheriff Stewart said:

"It is a private record, and while he had no objection to its being used, 'they' (meaning no doubt the members of the corrupt gang of land pirates that is in this deal up to the eyebrows) had told him not to allow the record to be used."

The sheriff was soon convinced that the best thing for him to do was not to refuse the inspection of a public record, and he accordingly very reluctantly consented to the further copying from the record. This action on the part of Sheriff Stewart naturally aroused our suspicion as to whether or not the business of his office was being conducted as it should be and we accordingly have made a slight investigation of the methods in vogue in his office. Our investigation so far has been more or less superficial but sufficient has developed that we are simply dazed at the high handed corruption that lurks behind the mask of reform. Lack of space forbids us giving an itemized list of the irregularities found, and for the purpose of this article we will refer but to a few, although there are hundreds of them that can be cited.

In sheriff's fees charged up in foreclosure cases the two items in which most irregularities appear is that of mileage and appraisers' fees charged.

Section 6079, on page 1280, of 1899 revised statutes of Nebraska, provides:

"Whenever, hereafter, execution shall be levied on any lands, the officer levying the same shall call an inquest of two DISINTERESTED free holders and administer to them, on oath, impartially to appraise the interest of the person or persons against whom the execution is levied, in the property so levied upon, and such officer, together with said freeholders, shall appraise said interest at its REAL VALUE IN MONEY."

Section 6103, page 1285, 1899 statutes further provides:

"Each freeholder summoned to appraise real estate under the provisions of this chapter shall be allowed and receive the sum of FIFTY CENTS FOR EACH DAY HE MAY BE SO ENGAGED AS SUCH APPRAISER."

The statute further provides that the sheriff shall be entitled to five cents per mile for each mile actually traveled in making the appraisal. The flagrant disregard of the plain provisions of law is shown in the sheriff's statements of costs in the following cases:

Case No. 5234, County of Holt vs. Covell for NE $\frac{1}{4}$ 6-28-9, the sheriff's charges for appraisers' fees are \$12. (This is the land referred to in The Frontier last week which was bought by M. F. Harrington for \$312 and, as the deed shows, sold it sixty-seven days later for \$2,400, but Mr. Harrington claims in a statement in the Independent that he received \$800.)

Case No. 5264 for NW $\frac{1}{4}$ 27-31-15, the sheriff charges and receives as "appraiser's fees" \$12.

Another interesting feature of the manipulations of the land syndicate and the "disinterested" appraisers selected by the sheriff is shown in the following cases in which E. S. Eves is plaintiff. Here are a few of the cases showing the numbers of land, amount

of tax involved, appraised valuation of land and amount sold for where sales have been made:

| Number land. | Appraised val. | Amt. sold for. | Tax involved. | Name purchaser |
|---|----------------|----------------|---------------|----------------|
| SE $\frac{1}{4}$ 28-30-9 | \$100 00 | \$107 00 | \$30 17 | M. H. McCarthy |
| SE $\frac{1}{4}$ NE $\frac{1}{4}$ 28, S $\frac{1}{2}$ NW $\frac{1}{4}$ 30-9 | 160 00 | 108 00 | 29 10 | M. H. McCarthy |
| SW $\frac{1}{4}$ 28-30-9 | 160 00 | 107 00 | 12 25 | M. H. McCarthy |
| N $\frac{1}{2}$ N $\frac{1}{2}$ 15-30-9 | 160 00 | 107 00 | 13 12 | |
| SE $\frac{1}{4}$ 3-30-9 | 160 00 | 107 00 | 13 12 | |
| NE $\frac{1}{4}$ 35-30-9 | 160 00 | 107 00 | 69 12 | |
| NE $\frac{1}{4}$ 22-25-12 | 160 00 | 107 00 | 48 45 | |
| SE $\frac{1}{4}$ 32-30-9 | 160 00 | 107 00 | 18 25 | |
| SE $\frac{1}{4}$ 4-30-9 | 160 00 | 107 00 | 13 01 | |
| NW $\frac{1}{4}$ 33-30-11 | 160 00 | 107 00 | 15 60 | |
| W $\frac{1}{2}$ NW $\frac{1}{4}$ 4-28-11 | 100 00 | 107 00 | 4 90 | |
| NE $\frac{1}{4}$ 28-25-16 | 160 00 | 107 00 | 11 45 | |
| E $\frac{1}{2}$ NE $\frac{1}{4}$ 15-28-11 | 80 00 | 107 00 | 5 60 | |

It may be interesting to our readers to note the fact that in every instance where any of these tracts have been sold at these "public" sales, M. H. McCarthy has been the purchaser. In every one of the cases above referred to J. S. Harrington has been selected by the sheriff as one of the "disinterested" freeholders to appraise the land AT ITS REAL VALUE IN MONEY" as provided by the statute. In the first three cases above mentioned the lands were all appraised on May 28, 1901, and in EACH CASE the sheriff charges \$3 appraisers' fees, (J. S. Harrington being one of the appraisers and his partner, M. H. McCarthy, buying the land,) and mileage for the distance from O'Neill and return to each piece of land. In the last ten cases mentioned above, as shown by the record the appraisals were ALL made on Sept. 2, 1901, and J. S. Harrington being one of the appraisers in each instance, and the sheriff charges are \$3 for appraisers' fees in each case. According to this Mr. Harrington received \$15 for his days work on Sept. 2, acting as a "disinterested" appraiser of land sold to his partner McCarthy. Notwithstanding the law is very plain, that the appraisers should receive 50 cents each PER DAY, here is an instance where the sheriff has charged \$15 for the work of one appraiser in one day. Out of the hundreds of cases that we have examined we have found no case in which the appraisers' fee charged by the sheriff are less than \$3 and from that as high as \$12. Legally, no more than \$1 could be charged in ANY case for appraisers' fee. The statute is very plain, and this very question has been passed upon by the supreme court of this state in an action brought by the Phoenix Insurance Co. against ex-Sheriff McEvony and his bondsmen of this county. In this case McEvony had charged \$3 appraisers' fees in each of the ten cases in which the insurance company had paid the costs, just as Sheriff Stewart is now doing, only that Stewart is charging as high as \$12 in some cases. The insurance company obtained judgment against McEvony and his bondsmen not only for the illegal fees collected by McEvony but a PENALTY of \$50 in EACH CASE as provided for in Sec. 34 of chapter 28 of the revised statutes, which provides a penalty of this amount for any officer collecting illegal fees. This decision can be found in the 72 Northwestern Reporter at page 956. The court holds:

1—"The statute limits the mileage of a sheriff to five cents per mile for each mile ACTUALLY and NECESSARILY traveled in making a levy upon and appraisal of real estate.

2—"Freeholders summoned by sheriff to appraise real estate levied on, are entitled to ONLY FIFTY CENTS PER DAY, FOR EACH DAY they are employed in such duty.

3—"Such appraisers are not entitled to mileage."

In this case the court further says: "The sheriff charged \$3 fees for two appraisers, illegal fees collected \$2." Referring to the lawful fees of 50 cents per day for appraisers the court has this to say: "The legislature supposed that a sheriff, when he had levied upon lands, would summon freeholders who reside in the vicinity of such lands to make the appraisal." Instead of Sheriff Stewart pursuing this course and permitting the farmers in the vicinity of the land to make the legitimate appraisers' fee, he selects as the "disinterested" appraisers, members of the corrupt gang of land pirates in this city, and charges for them from three to twelve times more than the legal fee for appraising land they have their own anxious eyes fixed upon.

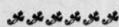
It can be readily seen from the number of cases filed on land during Sheriff Stewart's term that the illegal fees collected by him must run into thousands. We venture the prediction at this time, that now this corruption has been exposed, it will not be long before Sheriff Stewart and his bondsmen will have some cases to defend, and judgments and penalties to pay for the collections of illegal fees.

Is it at all strange, Mr. Tax Payer, that what this investigation has brought to light, that Sheriff Stewart should have the temerity to deny the inspection of a public record?

Is it not time, Mr. Tax Payer, for a change in the office of sheriff in this county?

The election of W. H. Blackmer, who has been Mr. Stewart's deputy, means a continuation of this high handed corruption. Long continuation of any party in power, leads to corruption in office and a change occasionally is conducive to official honesty.

In the light of this stupendous corruption, don't you think, Mr. Tax Payer, that this is a very opportune time for a change?



Poor Women and Helpless Girls Their Victims

The corrupt gang of land pirates continue to "make hay while the sun shines" as they evidently see that their license to plunder

the county and rob people of their property is fast drawing to a close. We have just learned from the records that they have been at their damnable work of taking peoples' property from them without their knowledge or consent, no later than Monday of this week.

On Oct. 7, 1901, E. S. Eves purchased at one of these "public" sales the following described land at prices named:

| | |
|---|----------|
| N $\frac{1}{2}$ NE $\frac{1}{4}$ & N $\frac{1}{2}$ NW $\frac{1}{4}$ 15-30-9, price paid | \$100 00 |
| SE $\frac{1}{4}$ 32-30-9, price paid | 100 00 |
| NE $\frac{1}{4}$ 25-30-9, price paid | 106 00 |

He gets 480 acres of land, last Monday, at one of these "public" sales for \$306, and out of this sum he gets returned to him \$85 as "printer's fee," so by this transaction he gets 480 acres of good land CLEAR, at an actual cost to him of \$221.

The defendant in any of these cases was not a rich non-resident loan company owing large sums of delinquent taxes of which you see so much talk of in Mr. Eves' paper. The owners of these lands—before Eves took it away from them by this legalized robbery—were individuals, two of them being women who may have their all invested in these lands. As the records show, the N $\frac{1}{2}$ N $\frac{1}{2}$ 15-30-9, was owned by Minnie Hinkel of New York, and she owed \$12.70 delinquent tax against the land when Eves commenced his action to get the land. The SE $\frac{1}{4}$ 32-30-9, was owned by Martha W. Kinney, of Massachusetts, and she owed \$17.66 delinquent tax when Eves and the gang conceived the idea that they had better take her land. The NE $\frac{1}{4}$ 35-30-9, by A. Z. Taylor and he owed \$58.18, when the gang decided his land should go.

These cases are cited to disprove the claim of the corrupt gang that they are only attaching land of loan companies on which there are large sums of delinquent tax. The facts are there is very little of the non-resident land of this county now owned by loan companies. Out of all the loan companies that did business in this county in the days of farm loans, there is but one but what has become bankrupt and long since passed into the hands of a receiver. The one exception is the Western Trust & Security Co. of Fremont, and they invariably keep the taxes on their lands paid up.

The mortgages made to the other companies have been sold to individuals living in all parts of the east and as a result they have been compelled to take the lands on their mortgages. An investigation of the record will show that over 90 per cent of the non-resident land of the county is owned by individuals and not by loan companies. The individuals owning this land are, in most cases, not wealthy people, but people of small means who invested their savings in one or two of these farm loans with the loan company's guarantee of its payment. The failure of the loan companies of course made their guarantee of no value and the individuals have been compelled to take the land.

Many of the owners of this land are poor widow women, factory girls, seamstresses, and in fact people in all walks of life who have the savings of their life time invested in this land. It is no uncommon thing for many of our readers to get a letter from some woman in the east, telling a pitiful tale of her indigent circumstances and wanting to know if it is not possible to rent or realize something out of the land. It is with these unfortunate people the same as it sometimes is with citizens of this county when they find it impossible to raise the money with which to pay their taxes when they become delinquent. Others may neglect to pay for a year or two through the neglect of some agent whom they may think is looking after the payment of their taxes.

While we do not pretend to say positively, it is reasonable to suppose, that the two women above referred to belong to one these unfortunate class. One of these women owed delinquent tax for but one year, 1899, amounting to \$12.70, the other one owed for two years, 1898-99, amounting to \$17.66. They certainly could not be classed as "tax shirkers" as they have kept the taxes of previous years paid. These unfortunate woman may have all they have in the world invested in these lands, and can any one imagine their feelings when they learn that their lands have been taken from them without their knowledge, consent or consideration to them of one dollar, by this system of legalized robbery, because they have allowed one and two years taxes to become delinquent? Mr. Tax payer, place yourself in the condition of these unfortunate people. Suppose you were to remain from the state for a couple of years and in the mean time allowed the taxes on your land to become delinquent, and on your return you find one of the land syndicate had robbed you of your land by this infamous system. What would be your feelings? The feelings of many men would be expressed by acts and deeds rather than words.

The "public" sale of these lands, to Eves last Monday presents this piteous spectacle:

Eves bringing action against this land for one and two years taxes; M. F. Harrington acting as attorney for Eves; J. S. Harrington one of the "disinterested" appraisers selected by the sheriff to appraise the land; the sheriff charging up more than three times the appraisers' fees allowed by law, and the 480 acres of clear land sold to Eves at an actual cost to him of \$221.

Mr. Tax Payer, what do you think of this state of affairs? You cannot put your finger on the acts of any of the above "big four" in connection with the rotten deals without touching the other three.

That this gang of land pirates fear neither God nor man is manifest by their wanton disregard for the truth and the methods they resort to in robbing people of their property.