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RECORDS CONVICT HARRINGTONS

Bold, Bad Men Lamely Deny, but Can Not Dispute the Plain Facts and Figures Itemized for Them



\$500 Given to Any Charitable Institution if Every Charge Can Not Be Substantiated

[The following exposition and exposure of certain things which the tax payers of the Fifteenth judicial district, and especially of Holt county, ought to know before they can vote intelligently at the coming election, was published in our issue of October 1, and is published herewith, in connection with some further evidence in the nature of a reply to a very lame denial offered by Mike and Judge Harrington in last week's Independent. The greatest of care has been taken in the examination of the records and nothing appears in either article but what can be substantiated in full.—Editors.]

READERS of The Frontier are somewhat familiar with the warfare we have waged in exposing official corruption that has been associated with the tax foreclosure system that was conducted in this county. If the tax foreclosures had been conducted in this county as they have in other counties in the district, with the sole view of enforcing the collection of taxes, The Frontier would be the last to complain.

As we have shown on previous occasions, the tax foreclosure business in this county has been perverted into a gigantic scheme to grab land and extort fabulous printer's fees on non resident notices, which notices alone amount to over \$14,000 in a space of a little over two years, and the Independent, of which E. S. Eves and M. F. Harrington are the principal stockholders, has received most of the swag.

By far the largest source of revenue to the members of the land syndicate is the means the tax foreclosures has afforded them in getting title to so much land at very little expense by railroading the foreclosures through post haste before non-resident land owners, in many cases, were aware that any action was pending against their land.

Not the least among the manipulators of the graft in this county is Judge J. J. Harrington of the district court. For the purpose of showing his connection, to some extent, with the extensive operations, a few cases in point are here referred to:

Case No. 5501 of Holt county vs. C. F. Bliven for the west half southeast quarter and south east quarter southeast quarter section thirteen, township thirty-three, range fourteen, 120 acres. This case was commenced by the county attorney August 17, 1899, for delinquent taxes amounting to \$61.85. On April 23, 1900, Sheriff Stewart sold the land to Judge J. J. Harrington for the munificent sum of one dollar—Judge Harrington personally bidding the land in—the name of M. H. McCarthy, of the real estate firm of McCarthy & Harrington, the sheriff's deed made to M. H. McCarthy, a record of which can be found in deed record 60, at page 528 of the records of this county. On April 24, 1900, the day after Judge Harrington bid the land in for one dollar, he, as Judge of the District Court, confirmed the sale of this land that was bid in by himself the day previous. A record of this confirmation can be found in district court journal No. 19, at page 39. On May 5, 1902, the land was deeded to Jennie Mullen, an aunt of County Attorney Mullen, and the title now stands in her name, a record of which can be found in deed record 60, at page 527. By this transaction they got 120 acres of land clear for one dollar and the county lost its taxes amounting to \$61.85. (The taxes have not been formerly cancelled on the treasurer's books but all that is necessary to cancel them is to get the certificate from the clerk of the district court showing the deficiency judgment in the tax foreclosure.) In addition to this loss of the taxes, the county was made to pay the costs in the case amounting to \$48.71, and Judge Harrington has not seen fit to reimburse the county even to the extent of the costs, notwithstanding more than three years have elapsed since he purchased the land. The actual loss to the county in this transaction is \$110.56, and Judge Harrington, or the syndicate, got 120 acres of clear land for one dollar.

Can any tax payer of this county figure out where this transaction has been to the interest to the county? Yet Judge Harrington has the brazen effrontery to sit upon the district bench and confirm this sale made to himself the day previous.

The records of the county clerk's office show that since March, 1899, Judge Harrington has sold \$63,825 worth of Holt county real estate, say nothing of the several hundred acres he still owns that he has not yet disposed of. This is referred to simply to show something of the extent of his real estate operations since he has been on the bench.

After there had been filed over 500 tax foreclosures in which the county was made plaintiff and so much of the land being sold, similar to the case above referred to, to members of the O'Neill land syndicate at prices that would not pay the costs and taxes charged against the land, and the county would thereby lose the taxes and in many cases the costs, it then became evident to the board of supervisors of this county that the system of tax foreclosures was being used by the land pirates, in league with certain officials, for the purpose of extorting exorbitant printer's fees, charging as high as \$75 for a non-resident notice, and robbing helpless people of their land. Then it was that the board of supervisors, by resolution, put a stop to the system of county tax foreclosures. This order of the board had the effect of saving the county from further loss of taxes and payment of costs, but it did not put a stop to the gang taking the property of people without their knowledge or consent. Then it was that the machinery of a subservient judiciary was brought into play for the purpose of sand-bagging people and taking their property from them under the guise of legal proceedings. It was then that Judge and Mike Harrington conceived the idea that an individual could buy a tax sale certificate against a piece of property from the county treasurer

today and commence foreclosure proceedings on that certificate the very next day, without giving the owner of the property any opportunity to redeem, notwithstanding the statute and constitution of the state gives property owners two years in which to redeem their property from tax sale. The first of this class of private tax foreclosures that was filed in this county was filed in the name of John C. Morrow, a brother-in-law of Judge and Mike Harrington, and he was then the office man for the Harringtons and working by the month for them. It is case No. 6303, John C. Morrow vs. Mrs. S. H. Porter. On December 21, 1900, the land was purchased at tax sale from the county treasurer for the delinquent taxes of 1899, amounting to \$13.20, and on January 9, 1901, just eighteen days after the date of the tax sale certificate, foreclosure proceedings were commenced on the tax sale certificate.

To show how the graft has been operated to the personal advantage and financial interest of Judge J. J. Harrington we refer to but two of many similar cases that furnish a striking illustration of how Judge Harrington has been able to accumulate a fortune while on the bench. In these cases Judge Harrington's name does not usually appear in the proceedings until the sales are confirmed and then the land deeded to him. The suits are usually conducted in the name of Morrow—the brother-in-law—or E. S. Eves, the editor of the Independent, or M. H. McCarthy, of the real estate firm of McCarthy & Harrington, or some other member of the land syndicate. In the two cases we here refer to the proceedings were conducted in the name of E. S. Eves.

Case No. 6375, Eves vs. Minnie Hinkle who owned the north half of north half of 15-30-9—160 acres. On February 26, 1901, a tax sale certificate was secured in the name of E. S. Eves for the delinquent taxes of 1899, amounting to \$12.68. On March 7, 1901—nine days after date of tax sale certificate—M. F. Harrington filed a petition to foreclose the tax sale certificate in the name of Eves. On July 6, 1901, a decree was entered by Judge Harrington for \$13.12. Order of sale issued on August 12, 1901, and land appraised on September 2, at \$160 by populist Sheriff John Stewart, his deputy and J. S. Harrington, brother of Judge Harrington. Land was sold by the sheriff on October 7, 1901, in name of E. S. Eves for \$100.10.

Case No. 6362 of Eves vs. Martha W. Kinney who owned south east quarter of 32, 30, 9—160 acres. On February 18, 1901, a tax sale certificate was secured in name of E. S. Eves for delinquent taxes amounting to \$17.66. The very next day—February 19, 1901—M. F. Harrington filed a petition to foreclose the tax sale certificate. Decree was entered by Judge Harrington for \$18.25 on July 6, 1901. Land appraised by Sheriff Stewart, his deputy, and J. S. Harrington on September 2, 1901, for \$160. Land sold by the sheriff on October 7, 1901, for \$106 in name of E. S. Eves. The day following the sale of both of these tracts, October 8, 1901, Judge Harrington called a special term of court for the sole purpose of confirming these sales, together with two or three other confirmations of a similar nature, which constituted the work of the special term. Sheriff deeds were issued for both of these tracts on November 8, 1901, and can be found in deed records 60 and 61 at pages 370 and 355 respectively. Soon after the sale of the land by the sheriff to Eves, he deeds the land to Judge Harrington and the consideration named in the deed is \$2,000, and includes other land, a record of which can be found in deed record 63, at page 89. This is a part of the land Judge Harrington sold to Mr. Tigh about a year ago for \$45,000, or \$15 per acre. The announcement of this sale was made by Eves through the columns of the Holt County Independent on October 19, 1902, in the following manner:

One of the largest land transfers made in Holt county this season was consummated last week when Judge Harrington sold his fine ranch sixteen miles north of O'Neill, consisting of 3,200 acres of choice hay, farming and grazing land to a party in eastern Nebraska, consideration \$45,000. * * * Had this ranch been improved with a few new buildings and fences it would readily have brought at least a third more, and the buyer in getting it in its natural state has certainly bought a bargain.

Several other quarters in this ranch are tracts on which tax foreclosures had been commenced and the land then deeded to Judge Harrington. A record of the sale of this land by Judge Harrington to Mr. Tigh can be found in deed record 67, at page 501.

The facts in connection with the tax foreclosure sale of the two tracts of land above referred to presents this spectacle:

The land was owned by two women of New York state, Martha W. Kinney and Minnie Hinkle; one a widow, the other a single woman, both of rather indigent circumstances who had their savings invested in these lands. They by oversight neglected to pay the taxes on their land for 1899. Judge Harrington owned land adjoining and desired to add these two quarters to his holdings at a nominal expense. The machinery of his office is here brought into play. A tax sale certificate is secured against the land on February 18, 1901, and the very next day M. F. Harrington, as attorney, commences foreclosure proceedings which are railroaded through with all possible speed by special sessions of the court in which the decrees are entered and sales confirmed by Judge Harrington, the man who is after the land. The law provides that before land can be sold by the sheriff it must be appraised and cannot be sold for less than two thirds of the appraised value. Section 6079 of the 1897 compiled statutes of Nebraska, provides:

"Whenever, hereafter, execution shall be levied on any lands and tenements, the officer levying the same shall call an inquest of two

disinterested freeholders and such officer together with said freeholders, shall appraise at its real value in money, and such appraisement shall be signed by such officer and said freeholders, respectively."

Precaution was taken to see that the land was not appraised too high. Another member of the family in the person of J. S. Harrington was called in to look after this part of the proceeding. He was selected by Sheriff Stewart as one of the "disinterested" freeholders to appraise the land his brother Judge Harrington was getting. The sheriff, his deputy and J. S. Harrington appraised both of these pieces of land on September 2, 1901, at one dollar per acre. On the land owned by Minnie Hinkle, 15, 30, 9, there was a loan of \$1,500 in July, 1899, and which was foreclosed and sold at sheriff's sale on May 22, 1896, for \$2,425, a record of which can be found in deed record 45 at page 328. Both of these are good pieces of land and the loan and previous sale by the sheriff are referred to, to show something of the actual value of the land and how supremely ridiculous was the appraisement of the land at one dollar per acre and the sale of the land by the sheriff at sixty-two cents per acre, which Judge Harrington can turn around and sell within one year at \$15 per acre. Of course all these proceedings were conducted unbeknown to these poor women. They were non-residents of the state and knew nothing of the proceedings against their land; did not even know that the taxes on their land were delinquent. Their first information was that they had lost their land by foreclosure and sheriff's sale and that the land was now owned by Judge Harrington. Any one at all familiar with the laws and rulings of the supreme court of this state would know that the title held by Judge Harrington was absolutely void and would be set aside if taken to the supreme court. No one knew this better than Judge Harrington, but with his title based on this bogus foreclosure he was in position to say "I own this land," and he then dictated terms on which he would give a nominal sum for a quit claim deed to the land from the legal owners. This he did after considerable negotiations, and the poor women were made to understand that in order to recover title to their land they would have to hire counsel and carry their case to the supreme court. They realized, as any intelligent persons would, the disadvantage they were at, lawing at a great distance and especially with a judge of the district court, and rather than be at such expense and trouble they were advised to and did accept from Judge Harrington a nominal sum for a quit claim deed to their land. Martha W. Kinney was, on October 30, 1902, given \$75 for a deed to the southeast quarter of 32, 30, 9, a record of which can be found in deed record 60, at page 355, and on October 31, 1902, Judge Harrington gave Minnie Hinkle \$50 for a quit claim deed to the north half of the north half of 15, 30, 9, a record of which can be found in deed record 60, at page 438.

The law provides that in foreclosures, owners of the land may redeem from decree or judgment and sale any time prior to the confirmation of the sale by the court. It is very evident that Judge Harrington did not want to take any chances of any one coming in and redeeming from these sheriff sales, for on the very next day, as it has heretofore been shown, he called a special term of court to confirm these sales, thereby shutting out any redemption of the land.

Section 37, Chapter 19, at page 683 of the compiled statutes of Nebraska, it is provided:

"A judge or justice is disqualified from acting as such, in any case wherein he is a party or interested, or where he is related to either party by consanguinity or affinity within the fourth degree."

Notwithstanding this plain provision of the statute, Judge Harrington has with impunity, not only entered decrees, confirmed sales and made all kinds of court orders in cases in which his brothers and other relatives are interested but in which he is personally interested, as has heretofore been shown.

The facts are as the record plainly show that the whole tax foreclosure system as it has been conducted in this county has been in collusion and in the interest of the land syndicate of O'Neill and has been permeated with fraud and corruption from start to finish.

The cases here referred to are by no means all of the cases of a similar nature in which Judge Harrington had a personal interest. A similar reference to all of the cases in which he had a personal interest would require too much space. We have referred to the above cases somewhat minutely and in detail, giving the book and page where the record can be found and if any voter in this county doubts any statement we have made as to what the records show, we will pay the expenses of any such person to O'Neill if we cannot prove the records as we have here represented them.

This is an appalling state of affairs, and one in which the general public would be very unwilling to believe were it not that the public records prove beyond question of doubt the truthfulness of the charges.

These charges are not made against Judge Harrington with any feeling of personal animosity. We have no quarrel with him. When an officer seeks re-election his official record becomes a proper subject of inquiry, and it is not only the privilege, but the duty of any elector to investigate the record of such official. The public generally have great respect and reverence for the judiciary. Judge Harrington, by his official acts, wherein his financial interests have been at stake, has struck a rude blow at public reverence and respect for the judiciary in this district. He has, to say the least, dishonored the high office he holds and cannot, in the face of his official record, seriously hope for a re-election at the hands of the intelligent voters of this district.

REPLY TO JUDGE AND MIKE HARRINGTON

The reply or attempted denial of the above charges against Judge Harrington appeared in the last issue of the Holt County Independent and has been scattered broadcast over the district. It is needless to say, the "defense" was written by Judge and Mike Harrington. We are glad they have seen fit to circulate their "defense" throughout the district and hope every intelligent voter received a copy. Those unacquainted with conditions in this county may thereby

judge how depraved are the political morals of the populist ringsters of this county. We are astonished, however, that men of the supposed political sagacity of the Harringtons would put forth such an abortive effort in defense of the specific charges we have made against Judge Harrington. True to the professional instincts of an attorney, who has a bad case, he has written, denied and expiated on many things of which he was not charged and have no bearing on any of the

charges we have made against him. With the exception of a general denial, the only statement in the whole defense that has any bearing on the specific charges made is the statement from ex-Sheriff Stewart that Judge Harrington bought no land at tax foreclosure sale while he was sheriff. For the benefit of those who may not know ex-Sheriff Stewart and his connections with the land syndicate, and his motive in making a false statement, we will say that two years ago when

we first exposed the official corruption in connection with the foreclosures he refused to allow the inspection of the records of his office. Our charges then as now were proven well founded. Stewart retired from office a defaulter and was compelled by the board of supervisors to pay into the county treasury several hundred dollars he had unlawfully collected from the county in tax foreclosure cases. To completely shatter the only semblance of a denial Judge Harrington

has made we here produce two affidavits which speak for themselves:

AFFIDAVITS
State of Nebraska, County of Holt, ss.
E. H. Benedict, of lawful age, being first duly sworn, deposes and says that he was present in the sheriff's office in O'Neill on April 23, 1900, at which time Judge J. J. Harrington bid in the W¹ SE¹ and SE¹ SE¹ of section 13, township 33, range 14, at ONE DOLLAR, and instructed Sheriff Stewart to make the deed in the name of M. H. McCarthy, which sale as is above

shown by the district court journal was confirmed by Judge Harrington on the day after the sale.

E. H. BENEDICT.
Subscribed in my presence and sworn to before me this 14th day of October, 1903. J. H. Meredith, (Seal) Notary Public.
State of Iowa, County of Woodbury, ss.
E. M. Corbett, being duly sworn, deposes and says that he was in O'Neill, Neb., on or about April 23, 1900, looking after the interests of a client in a piece of land that was being sold by the sheriff on that day under foreclosure of tax lien;

(The reader will find "Reply to Judge and Mike Harrington" concluded on page eight.)