

HE TRIED TO BRIBE A JUDGE.

An Attorney for Count John A. Creighton Approaches Judge C. R. Scott.

Says There is Nothing Which They Would not do for Him if He Would Do them "A Personal Favor."

The sequel to the suit of Mary B. Shelby against John A. Creighton, administrator of the estate of the late Edward Creighton, her uncle, has not yet been reached, but there has been one act performed during the last ten days that shows the desperate straits to which Mrs. Shelby's enemies have been reduced.

The case was on trial before Judge Cunningham R. Scott, of the district court, within and for Douglas county, and Mrs. Shelby was represented by William D. Beckett, and the defense by John J. O'Connor and James M. Woolworth, when a motion was made to amend the pleading or answer of the defense. That motion was combated by the plaintiff, but before the court was asked for a ruling an adjournment was taken until the next day.

It was during the adjournment that the act mentioned above was performed.

As every one in the state knows, Judge Scott is an ardent American, while John J. O'Connor is equally as ardent a Roman Catholic, if not, indeed, a Jesuit of the short robe.

Yet, in spite of this vast difference of opinion and social standing, O'Connor waited on the judge at his home and told him that John A. Creighton wanted to win that suit, that it did not make any difference how much money it would cost, he wanted to beat Mrs. Shelby, or words to that effect.

The judge was amazed at the boldness of the attempt to influence him—horrified that any man would dare to approach him with such a proposition,—yet without the least outward show of what was passing in his mind he showed O'Connor to the door and told him he would see that justice was dealt out with an even hand.

But O'Connor was not satisfied that he had impressed the judge with the full importance of his visit, so, as he was taking his leave, he told the judge in just about so many words that if John A. Creighton won the case, there was nothing, politically or financially which the judge might want which John A. Creighton would not do him.

The judge made no reply at that time, but next morning, while the court room was well filled with attorneys he called O'Connor before the bar and related the circumstances of the interview and then entered an order of disbarment against said O'Connor.

That was the story that was going the rounds among the attorneys and others, but little from the story of the attempt to influence Judge Scott, as given in his own words, which is as follows:

The case on trial has been a case of more than ordinary importance on account of the amount involved, and on account of the law questions that have been raised in the case. During the whole six years that I have been on the bench and during all the time I was at the bar, I never tried a case or heard a case that exhibited the high qualities of the lawyer that this case has on both sides. There has been nothing but perfectly gentlemanly conduct toward the court, most respectful, and toward each other, as members of the bar.

But a matter occurred last night regarding this case that I cannot understand or pass over. The point that was under discussion at the time of adjournment last night was this: It seemed that something, perhaps in 1876, there was a schedule of the property of Edward Creighton made out and sworn to, and placed on file. The sale from Joseph Creighton to John

A. Creighton was in 1876. This schedule, the appraised value of the property, was made by Mr. Kountze and others, who were appointed by the county court for that purpose, showed that the property was worth, we will say in the neighborhood of \$200,000. There were five heirs in this property. John A. Creighton bought Joseph Creighton's interest as shown by the evidence and pleadings, for \$30,000. There was some evidence sought to be introduced to show that the property was only worth that.

This action was brought to set aside the sale because of its being an abuse of the fiduciary relations existing between Joseph Creighton and John A. Creighton, and it is alleged in the bill that this was a fraudulent transaction, also that certain facts were kept from the knowledge of Joseph Creighton. During the trial yesterday it seemed to become necessary for the court to state that there was no evidence that Joseph Creighton, at the time of this sale, knew of this appraised value being, we will say, \$200,000, or whatever it was, which would raise his fifth interest above \$30,000, we will say, in round numbers \$40,000. Thereupon there was an effort to show that he did know of this fact. Then the question was raised that that was alleged in the bill and not denied in the answer, and permission was asked to amend. I said I thought I should deny the right to amend, on objection being made thereto, but I said I hoped that counsel would look the matter over and take it up in the morning—this morning.

All that was conducted lawyerlike, as every other stage of this case, until last night. Last night, one of the attorneys for the defense, J. J. O'Connor, who never had been to my house before, came to my house. I was notified, and found him sitting in the parlor; I found him in the parlor. I asked him to be seated. After talking around about the weather and other matters that had no connection with the case, he said:

"IF THAT AMENDMENT ISN'T ALLOWED, IT IS GOING TO HURT JOHN A. CREIGHTON AWFUL BAD AND I WILL TAKE IT AS A PERSONAL FAVOR IF YOU WILL ALLOW THAT AMENDMENT TO BE MADE."

"Why," I said, "this isn't a question of personal favor; it is all a question of law. Mr. Beckett don't owe me anything, nor I don't owe him anything; but he is entitled to the law, and he isn't here."

"Well," he said, alluding to some political matters, that John A. Creighton was always ready whenever he wanted his assistance, and all John A. Creighton ever said on such a case was: "HOW MUCH MONEY DO YOU WANT?" Getting pretty

thick about that time, he said: "IF YOU WILL GIVE US THE RIGHT TO AMEND, WHENEVER YOU WANT ANYTHING, ALL YOU HAVE GOT TO DO IS TO LET US KNOW, AND WE'LL DO IT."

I said: "Good night, sir."

I treated him civilly, since he was in my house—no man can come into my house and be abused, because he is in my house, and I won't abuse a man in my home. If I allow a man to cross my threshold, it is my duty to treat him civilly while he is in there, no matter what he may say.

It is the first time, and I am glad and proud of it, I had hoped I would get through my term, the two years additional of my second term, where I could say what I could say when I went home last night, that during all of those six years, no man had ever dared to suggest a purchase, and no man has ever purchased, and no man can purchase me. There isn't a hair on my head that is for sale. I may make mistakes in ruling on questions of law—I don't know it all—no man does know it all; but God knows I have tried to keep on a straight line. When such conduct as that is to be indulged in in the trial of an important case, or any sort of a case, what does it mean? AN OFFICER OF THE COURT DIRECTLY SUGGESTING AND PROPOSING THE PURCHASE OF A JUDGE'S OPINIONS, the consideration of which will be, perhaps, POLITICAL MONEY TO RUN A POLITICAL CAMPAIGN. I would not be profane, but I will say all political officers in the gift of all corrupt politicians, may sink to deepest hell before I will surrender my integrity in order to get an office, and I have always maintained that position and always will.

I have only one ambition on this bench, and that is, to keep up something near the front on questions of law; that when I die, as we all must die, those that know me best, my own family, can say, if nobody else does, that husband and father was an honest man on the bench, and I don't want any finer epitaph written on my tombstone than that. It is not holding office that makes a man; it is the integrity with which the man fills that office; that is what develops and determines the man. If this thing is allowed by an officer of the court, what follows? You get hold of a judge that happens to be on the bench, and is that kind of a man, and what are your rights to life, liberty and property; what is your learning in the law; what is your ability as members of the bar, that has made you shine as diamonds in the profession, as men of integrity and ability? It counts for nothing; it is the man who sees the judge last who gets his case.

I have personal enemies, I realize; and who hasn't? A man can afford to

look into his conscience and say: "I have done my duty honestly." He can stand enemies. The best friend a man can have is his own friendship; and he can only have his own friendship while he knows that he is straight. A man's confidence in himself is worth more than the friendship of the entire world, and he can only have that confidence in himself when he knows he deserves it, because that unerring witness, his conscience, will tell him what he is. He cannot dismiss that witness; it is always present in court, and never demands his fees in advance in order to testify. He is there giving his testimony at all times. If he has the approval of his conscience, and has confidence in himself, he can say to the world: "I have tried to do right, and have done it." When he can say that, the world will in the end say the same thing.

Now, here is what we are confronted with, a member of the bar, an officer of the court, engaged in an important case, coming to my house, as judge of this court, and said with regard to it, "as a great personal favor, if you will give us that right—" Mr. Beckett, who is attorney on the other side, isn't present. Suppose Mr. Beckett had done such a thing?

Mr. Beckett—Don't suppose it, judge.

The Court—I don't suppose it, Mr. Beckett; but if some attorney on the other side would do the same thing, he ought to do just what I am doing now. Of course I wouldn't suppose for a minute—I know Mr. Beckett too well to believe such a thing of him, and I want to absolve John A. Creighton, because I have that confidence in John A. Creighton to believe he would not endorse such a thing, and I want to absolve John D. Creighton, because I have confidence in him; and Mr. McShane; every man that has anything to do with this defense—I want to absolve them from anything to do with this contemptible, miserable, shysterish way of attempting to get such an action, because I know they are too much of gentlemen; and the attorneys, Mr. Woolworth; I need not say I have no idea, either on the part of Mr. Woolworth or Mr. Congdon; I need not say that; I know that too well. Now, I must do something here. This is the first time, and I propose to put it in such shape that it will be the last time while I am on this bench for the next two years that such a thing shall occur, and I will disbar John J. O'Connor from practicing in my court for the next two years, during the balance of my term of office, and John J. O'Connor is disbarred from practicing in my court while I am on this bench.

Such was Judge Scott's story. Had the above remarks been directed against a Protestant attorney the columns of the daily papers would

have teemed with denunciations of the dastardly attempt to influence the court; but, since the culprit who did the job was a Roman Catholic, and since the one whose money and influence was to have been used to pay for a favorable decision was a Roman Catholic and a count of the Roman Catholic kingdom—John A. Creighton—those Rome-ruled sheels suppressed the facts altogether or only referred to them in such a way as to give the public no idea of the damnable lengths to which Roman Catholic attorneys will go to win in a case.

This paper has repeatedly charged that if the interests of the church were at stake, the Roman Catholic church had men and women to commit any crime from murder, perjury, bribery and actual robbery down to the less censurable ones of misrepresentation and common lying. This crime of O'Connor's, which, if Howard H. Baldrige, county attorney, does his duty, will result in O'Connor serving a term in the pen for attempting to bribe or influence a district judge, and, as it is not possible that O'Connor would go to such lengths to earn his retainer, the law should reach out and see if it is not possible to fix the responsibility for the crime on the chief beneficiary—Count John A. Creighton.

No doubt Judge Scott has gone as far as he is permitted to go in the case, but somebody, the county attorney or the judge of the criminal court, has a duty to perform. That duty is to see that a judge briber or influencer meets as speedy justice as a jury fixer. This country should not have one law for a poor criminal and another for a rich criminal.

It is possible also that Judge Scott, than whom there is no more honest, conscientious and impartial judge on the district bench today, is sincere when he exonerates the Creightons and McShane from all blame in the matter, but the common people who read this will say: What had O'Connor to gain by running the risk of being disbarred and of being sent to the penitentiary if John A. Creighton and the Roman Catholic church, which expects to inherit John A. Creighton's wealth, was not behind the attempt to corrupt and influence the court? It is our opinion that the county attorney will be derelict in his duty if he does not bring every man who was peculiarly interested in the defeat of Mrs. Shelby before the bar of the criminal court and make them accessories before and after the act, and if they are found guilty, move heaven and earth to see that they pay the penalty of the crime.

Mrs. Shelby has already suffered unmeasurably at the hands of her uncle and if he was back of the attempt to corrupt the trial court, and still further injure her, he should suffer the full penalty for the crime.

While it is true, as Judge Scott

says, that the case has been conducted in a gentlemanly manner, except for the O'Connor incident, there are great interests at stake, and a short review of the case will not be out of place at this time.

The Creightons are among the earliest settlers in this city. There were four brothers and two sisters, if we have been correctly informed, and of that number was Edward Creighton, who died in 1874, leaving \$1,100,000 worth of personal property and probably a like amount of good real estate to be divided among his wife and five brothers and sisters. At the time of his death he was not a resident of Nebraska. He had removed to New York. His will, we are told, read New York, until some one changed it to Nebraska. After his death John A. Creighton was appointed administrator, and acted in that capacity until after he had purchased his brother's—Joseph Creighton's—interest in the estate, with a check for \$30,000, and which check, it is alleged, and we believe proved, in the present case, was immediately returned to the purchaser.

One thing proved and thoroughly established in this case was that Joseph Creighton did not want to sell, that he got up to leave the room when the proposition was made to him and that Brother Murphy—one of a community of Roman Catholics of Dubuque—was sent for, and when he appeared he took Joseph Creighton by the coat collar and made him sit down and compelled him to sign away not only his interest then known in the estate by John A. Creighton, but also all interest that might come to him at any time thereafter.

The plaintiff sets up that her father was of unsound mind when he made the transfer, and that John A. Creighton had no right, while administrator, to buy out an heir and that he did so at his peril.

A decision has not been reached yet, and it would not be fair to attempt to forecast what the result will be, without knowing the character of the evidence which remains to be introduced, but we will say that if the evidence that is to be introduced hereafter is as strong as that which has already been heard, there will be little doubt but what Mrs. Shelby will obtain the relief she prays for.

One thing is certain, she will get justice in Scott's court.

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THEY ROB HIM WHILE HE OBEYS.