

OUR PAPER.

We issue this number of the STUDENT as the organ of the State University of Nebraska. Heretofore its ownership has been limited to the Palladian Literary Society; but during the present term, it has been transferred to the students of the whole University. The Regents at their last session, by a liberal donation, placed the paper upon a permanent foundation. It now remains for our students to prove whether it shall be one of interest, and fully equal to other college journals. Every student should feel that the key of its future success is in his keeping. Let us determine to make a paper of which we may feel proud. Let the students and friends of the University respond liberally to the enterprise, not only by enlarging the subscription list, but also by forwarding to us all items likely to be of interest to our very intelligent class of readers. By so doing, we anticipate no reason why the University of Nebraska may not publish as interesting and pithy an organ as its friends can desire.

To Contributors.

We are thankful for the contributions received during the last month, and hope their number will be increased. Anonymous articles will not be read by the editor. The name of the writer must invariably accompany every communication. It is also desirable that contributors spread themselves over as little space as possible. The editor must be free to abridge or correct at pleasure, but the writer will not be made responsible for anything he has not written.

AW vs. JUSTICE.

Turning over an old number of the *Galaxy*, my eye falls upon the following statement, relative to the late James T. Brady:

"He was counsel in 52 capital cases, in not one of which was he ever unsuccessful, except in that of Beall, who was tried by a court-martial, at Fort Lafayette, on charge of being a 'spy and guerrilla.'"

The appreciative, but unreflective reader, who pondered this in its day, was doubtless lost in admiration of the cleverness and subtlety of Mr. Brady's intellect, and of the personal magnetism that must have contributed to a success so remarkable. If admiration induced him to push his inquiries into matters of private history, he found very much in the great lawyer to command unqualified respect, if not indeed veneration. The life-long devotion to his mother and sisters, the ready sympathy he ever manifested with distress, the constant cultivation of poetry and elegant letters, and the submission of his spiritual nature to religious authority, were sufficient peculiarities, in an age of unbounded self-assertion, to render him nobly conspicuous and even lovable. Considering these various elements of success or praise in Mr. Brady's career, the appreciative but unreflective reader, utterly missed the prodigious significance of the passage we have quoted from the *Galaxy*.

But the reflective man must have read that professional record with profounder insight. In him it induced thoughts that could not much have differed from these:—Mr. Brady was defendant's counsel in 52 capital cases, 51 of which he successfully carried through. Fifty-one criminals, then, he turned loose to imperil human safety anew. Fifty-one times by intellectual strategy he vanquished law, thereby weakening its power in subsequent cases to bind the individual and public conscience. Fifty-one times he made it apparent,

that if a villain can procure the services of a lawyer sufficiently able and unscrupulous, he need not hesitate to commit murder, in so far as this world's penalties are concerned. Fifty-one times he demonstrated that divine and human statutes, in the opinion of courts and juries, are not necessarily binding. Fifty-one times he illustrated the fact that law, as humanly administered, has no necessary connection with justice.

Fifty-one are a good many times. Fifty-one admitted violations of a statute, in any given direction, constitute a rule.

Let it be granted that in some of the cases wherein Mr. Brady was defendant's counsel, there were extenuating circumstances, by the operation of which the person arraigned was justly extricated from extreme penalty. But is it possible to suppose, that in his entire practice of 51 consecutive cases, every culprit was falsely charged, or was justified by the omnipresent right of self-defense? If Mr. Brady had sometimes been successful, there would have been stronger probability of justice. But he cleared every murderer for whom he appeared. The worst case, as well as the most deserving, was safe in his hands. Brady being the lawyer, his client was secure, no matter what the law and evidence, the common sense of the jury, or the intelligence and moral soundness of public sentiment.

The methods of Mr. Brady in eliciting or suppressing testimony, and his lines of argument in addressing juries, were, of course, closely watched by other attorneys, who reproduce them in many quarters. Thus the criminal courts are more and more becoming mere gladiatorial arenas for intellectual athletes, whose highest ambition is to triumph over law and public opinion, thereby gaining for themselves profit and reputation, and the sinuous forms of legal practice.

But just here, we shall be met with the question "May an attorney refuse a case; or, having taken one, may he fail to do his utmost for his client?" To which but one answer can well be returned. An advocate's management of any case, must and will, depend on his sense of moral obligation. If he is a man of sensitive conscience, he will go just such lengths for his client, as his conviction of his client's innocence will justify, but no further. If he is anxious, above everything else, to preserve his own honesty, and furnish the world an example of uprightness in the face of temptation, he will never, under any circumstances, lend his powers to defeat a duly enacted law. He will act upon the theory that the displacement of law, in any single instance, is attended with immeasurable danger to all law that the destruction of one righteous statute is the sure forerunner of the destruction of every legitimate bond of human society.

We must inevitably think that he who accepts a "forlorn case," all the while secretly feeling that his client is guilty, and strains every sinew to make him appear innocent, and by persuasion, brow-beating, trickery, and mis-handling of law and fact, forces an unrighteous verdict, is hardly less criminal than the villain he shelters from penalty. He is certainly, to the extent of his higher abilities *micro-particeps criminis* than the clumsy fellow who gives physical aid and comfort in such common ways as helping break jail, or furnishing a horse to facilitate escape. Indeed, the moral difference between knavishly unlocking a prison door with a skeleton key, and unlocking it by legal obliquities, is largely in favor of the former method; for it does not pretend to be respectable, but skulks under cover of silence and darkness. How strange that society views with such different eyes the man who opens the door of a jail by means of a cold-chisel, and

the advocate who quite as immorally does it by a lever of sophistries.

The very incidents commonly employed to exemplify legal greatness, are such as indicate utter indifference to moral integrity and to crime. But where success rather than love of justice, where self-projection into the foreground of motive rather than reverence of law and obedience of authority are habitual inspirations, no man deserves to be called illustrious and go off the stage with clamor of applause. Rather should the public verdict stamp him a participator in crime, a man as deadly dangerous to the outward aspect of society, as he is morally criminal to himself.

But, in the present constitution of society, we can hardly hope for correct popular estimates. It is to be feared that success, or what is termed such, will perpetually have its part in moulding public opinion. And yet, success must always be far from a true test of a right cause. If it were murder, and, in fact, all lawlessness, would seem the correct thing in most instances. Brady's can be found to make handsome and subtle apologies for everything. But after all their fallacies, some of us will ever feel that crime can never be anything less than crime; and that the advocate who shields a fierce and guilty spirit from merited punishment—no matter under what preposterous color of law—is himself partaker of the guilt he defends. If he is triumphant in 51 cases, he inflicts 51 dangerous stabs on law, order, and society; and 51 times does grievous injury to his own moral nature. His success is an encouragement and consolation to the guilty, but a matter to be deplored by all good men.

THINGS.

What the Microscope Reveals.

Lowenbock tells us of an insect seen with the microscope of which twenty-seven millions would only equal a mite.

Insects of various kinds may be seen in the cavities of a grain of sand.

Mould is a forest of beautiful trees, with the branches, leaves and fruit.

Butterflies are fully feathered.

Hairs are hollow tubes.

The surface of our bodies is covered with scales like a fish; a single grain of sand would cover one hundred and fifty of these scales, and yet a scale covers five hundred pores. Through these narrow openings the sweat forces itself like water through a sieve.

The mites make five hundred steps in a second.

Each drop of stagnant water contains a world of animated beings, swimming with as much liberty as whales in the sea.

Each leaf has a colony of insects grazing on it like cows on a meadow.

MORAL.—Have some care as to the air you breathe, the food you eat, and the water you drink.—*Hearth and Home.*

A Joke on a Professor.

A pretty good story is told on one of the Professors of the University, which runs something in this wise:

Two or three of the young ladies who recited to him were in the habit of coming to the class with their faces disfigured by the use of black adhesive plasters, which, we understand, is an obsolete Parisian fashion resorted to by those of unfortunate complexions to set off the rest of their face. The Prof. thinking his girls were laboring under the misfortune of boils, fever sores, and the like, refrained for several days from calling on them to recite, as he sympathized with his pupils in their supposed affliction and thought to call them up in the presence of the whole class would only contribute unnecessarily to their aggravation and embarrassment. It was some time before the Professor found out that these plasters did not betoken the presence of any sore or other misfortune, but like the paint and feathers of the Indian were only intended to ornament and beautify.

The Prof. who was thus "codded" was not the professor of Aesthetics. Either the Teacher or pupils need posting; of course we will not say which.—*Madison Democrat.*

About Authors.

The time and effort spent on various literary productions have differed with different authors.

Johnson said he calculated when writing for a magazine, that if he wrote one page a day he would at the end of ten years have written ten folio volumes.

"When a man writes," said he, "from his own mind, he writes very rapidly. The greatest part of a writer's time is spent in reading. A man must turn over half a library to write one book."

Prescott said he composed many a chapter of "Ferdinand and Isabella" while galloping over the hills, or wandering among the chestnut shades of his favorite walk in autumn.

Thirty and forty pages of print were an ordinary morning's work for Walter Scott. He once said to a friend, "When I get the paper before me, it commonly runs off pretty easily." With so much facility did he write that he frequently had a novel, a poem, and reviews for quarterlies on hand at the same time.

One of the largest and best of Byron's poems was written in ten sittings, and in two days another was completed.

In fourteen years Baxter wrote and published sixty volumes.

Pope says, "To take more pains and employ more time cannot fail to produce more complete pieces."

The first six books of the *Aeneid* were written in seven years; the last six in four years. This poem was left unfinished, and at his death Virgil wished it destroyed; but Augustus placed it in the hands of Varius and Plautus, who corrected it and gave it to the world.

David Livingstone says, "Those who have never carried a book through the press can form no idea of the amount of toil it involves. The process has increased my respect for authors and authoresses a thousand fold. I think I would rather cross the African continent again, than undertake to write another book."

—*Christian Advocate.*

English Synonyms.

A little girl was looking at the picture number of ships, when she exclaimed, "What a flock of ships!" We corrected saying that a flock of ships is called a fleet, and that a fleet of sheep is called a flock.

And we here may add, for the benefit of the foreigner who is mastering the intricacies of our language in respect to nouns of multitude, that a flock of girls is called a bevy, that a bevy of wolves is called a pack, and a pack of thieves is called a gang, and a gang of angels is called a host, and a host of porpoises is called a shoal, and a shoal of buffaloes is called a herd, and a herd of children is called a troop, and a troop of partridges is called a covey, and a covey of beauties is called a galaxy, and a galaxy of ruffians is called a horde, and a horde of rubbish is called a heap, and a heap of oxen is called a drove, and a drove of blackguards is called a mob, and a mob of whales is called a school, and a school of worshippers is called a congregation, and a congregation of engineers is called a corps, and a corps of robbers is called a band, and a band of locusts is called a swarm, and a swarm of people is called a crowd, and a crowd of gontlefolks is called the *elite*, and the *elite* of the city's thieves and rascals are called the roughs, and the miscellaneous crowd of the city folks is called the community or the public, according as they are spoken of by the religious community or the secular public.—*American Educational Monthly.*

A Rush Next Spring.

Mr. George W. Gratton, Emigration Agent, has just returned from New York, where he has been engaged for the last five months in organizing colonies for emigration to Nebraska.

Mr. Gratton informs us that there will probably be about forty families from Orleans county.

From Wyoming county, twenty-five families.

Oneida and Onondaga united fifty families.

A colony is also organizing in Columbia county.

Mr. Gratton has done a good service in this work, and we hope all he expects from it will be realized.

Mr. Cornelius Schaller, Agent of the Burlington in England, writes to us that one thousand English emigrants will leave that country for Nebraska early in the spring. These are merely straws indicating the direction of the wind on this subject of immigration, which will pour 100,000 more people into Nebraska in the next eighteen month than it now contains.—*Omaha Herald.*