

W. ROSEWATER, Editor. PUBLISHED EVERY MORNING.

TERMS OF SUBSCRIPTION: Daily Bee (Without Sunday), One Year, \$1.00; Six Months, \$0.60; Three Months, \$0.35; Single Copies, 5 Cts.

Advertising: One Square, One Week, \$1.00; One Square, One Month, \$3.00; One Square, Three Months, \$7.00; One Square, Six Months, \$12.00; One Square, One Year, \$20.00.

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OBSTRUCTING FORECLOSURES.

The general liquidation through which this country has been passing for the past three years by reason of financial distress has caused great hardship not only to debtors but also to creditors. The money lender, the banker, the mortgage broker, the investor, have each shared in the losses entailed by the general destruction of credits and the universal shrinkage in prices. In many respects the insolvency of merchants and manufacturers, while deplorable in the extreme, has not been affected as disastrously as the country as a whole by the winding up of estates burdened with mortgage indebtedness. The owners of merchandise have at the very worst been closed out by the sheriff and forced to the best settlement with their creditors they could make under existing shrinkage of market values. The owners of improved and unimproved lands, lots, or farms, have in many cases found themselves at once overtaken with the loss of their property and helplessly involved for all future time in a maze of deficiency judgments.

And yet it is a serious question whether the delay of mortgage foreclosures by the interposition of legal technicalities through the aid of lenient courts beyond the ordinary period is of any advantage to the debtor class or to the communities in which the property is located. With very rare exceptions the obstructive tactics of the lawyers simply prolong the agony and pile up court costs and attorneys' fees without saving the client.

In the state of Nebraska the shortest period within which a mortgage can be foreclosed without a waiver of the defendant's rights is two years. In many instances where the attorneys take advantage of every possible quibble and invoke the power of the supreme court at every turn the process of foreclosure can be prolonged over four and five years. Accrue interest and taxes accumulate and in the end the creditor is often a heavier loser than the borrower.

If such dilatory litigation simply affected the parties immediately involved and the tendency of the courts to tip the scales in favor of the debtor as long as possible would be comparatively harmless. As a matter of fact, the public has an interest in these cases which courts are too liable to ignore. High interest rates are another name for poor security. High credits represent not only ample security but also assurance of prompt repayment. The more uncertain the collection of mortgage debts, however sure the mortgagor is to get his money in the long run, the higher the rate of interest and the more difficult to procure loans.

There is an abundance of loanable money awaiting investment in the financial centers, but its owners will not send it to us until confidence is fully restored and recovery of loans by court process is made certain within reasonable time. It goes without saying that permanent resumption of prosperity cannot be looked for until the process of liquidation shall have been completed and the creditors who are forced to take reality in satisfaction of their loans shall be in position to make improvements that will make it productive. While the foreclosure litigation is pending neither party will make any betterment or contribute anything to the upbuilding of town, city or state. In the end, expediting the foreclosure process, where foreclosure is inevitable, will speed the day of business revival. The forced sale of property must eventually compel the new owners to identify themselves with the fortunes of the city and state. For this reason it is to be hoped that the end of foreclosure will be hastened.

OBBLIGATIONS TO FOREIGNERS.

It is to be hoped the present congress will take favorable action on the proposed legislation which permits any citizen or subject of a foreign power claiming of the United States under treaty, or upon the principles of international law, indemnity for injury to person or property, to bring suit upon such claim in any United States circuit court. The attention of congress was called to the need of legislation of this kind in the annual message of President Harrison in December, 1891. It will be remembered that in March of that year several Italian subjects were killed by a mob in New Orleans. The government of Italy demanded the punishment of the offenders and also an indemnity. The United States had a treaty with Italy giving certain rights to the subjects of that kingdom living in this country, yet when the demand was made that the New Orleans offenders should be tried and punished our government could only say the United States was powerless, that the power to try and punish in such cases was left with the state authorities and that all the federal government could do was to suggest that proceedings be taken by them. Referring to this matter in his message, President Harrison expressed the belief that it would be entirely competent to make offenses against the treaty rights of foreigners domiciled in the United States cognizable in the federal courts. The issue raised between the two governments was finally settled to the satisfaction of the Italian government, the United States paying an indemnity as a matter of justice.

It is remarkable that there has never been any legislation giving the United States courts jurisdiction of prosecutions for offenses in derogation of the treaty rights of the citizens of foreign countries domiciled in the states, and now that the matter has been presented in the form of a bill introduced by the chairman of the house committee on foreign affairs the needed legislation should not be longer deferred. It appears that the United States stands alone among the leading nations in not having provided methods for punishing offenses against the treaty rights of foreign residents and for adjudicating claims for indemnity for injury to person or property. Such a fact is certainly not creditable to this government and if it is competent for congress, as President Harrison held to make offenses against the treaty rights of for-

IGNORANCE DOMICILED IN THE UNITED STATES.

cognizable in the federal courts, there is no valid reason why it should not exercise this authority. Our government should not in this respect be isolated from all the other enlightened nations of the world.

VINDICATE THE LAW.

The constitution of Nebraska bars from public office of trust or profit every man who is in default as collector or custodian of public money or property. Embezzlement and defalcation are thus singled out by the framers of our constitution among all the crimes in the calendar whose commission works ineligibility to public office without conviction. It is only by reason of a demoralized public sentiment that not only has this provision of the constitution been ignored, but self-confessed defaulters and embezzlers have been granted immunity from civil as well as criminal prosecution. Thus we have seen state, county and city defrauded of large sums of money by custodians of public funds, and no effort made to recover the misappropriated property and funds. The more flagrant the offense, the less seems to be the disposition to vindicate the law.

The only evidence of a disposition to call delinquents to account has been recently exhibited in the Board of County Commissioners in its effort to force settlements with ex-county officers found to have left office without turning over to their successors the balances due according to the records. This is not persecution, but merely a fearless performance of public duty. Whether the persons affected by this action be belonged to one political party or another is as immaterial as would be their membership in this or that church. The law is no respecter of persons and no protector of any political or religious creed.

Twenty years ago, when General Grant, then president of the United States, made the discovery that members of his own political household were involved in whisky ring swindles and the tendency of the courts to tip the scales in favor of the debtor as long as possible would be comparatively harmless. As a matter of fact, the public has an interest in these cases which courts are too liable to ignore. High interest rates are another name for poor security. High credits represent not only ample security but also assurance of prompt repayment. The more uncertain the collection of mortgage debts, however sure the mortgagor is to get his money in the long run, the higher the rate of interest and the more difficult to procure loans.

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A BANKRUPTCY BILL.

The senate judiciary committee will tomorrow report to the senate the bill providing for voluntary bankruptcy introduced early in the session by Senator George of Mississippi. The measure has received careful consideration in committee and its author expects to secure action on it by the senate at the present session, his opinion being that if brought to a vote it will pass that body. It is probable that a majority of senators are favorable to the principle of voluntary bankruptcy, as better protecting the debtor, but there will doubtless be found whenever the measure comes up for consideration a strong demand for an amendment giving creditors more consideration than the bill affords.

In the house the majority sentiment appears to be in favor of a bill dealing with both voluntary and involuntary bankruptcy and it is thought probable that the Torrey bill, with some modifications, will be reported at the present session and perhaps pass the house. It is said that the policy of the friends of the Torrey bill in the senate is to await the action of the house. The subject has not been so thoroughly explained to all members of the senate, or even to members of the judiciary committee, as has been the case in the house. The Torrey bill has never been under debate in the senate and has not been considered in detail in the committee. Senator Mitchell of Oregon introduced the bill at the beginning of the present session, but he has been delaying its formal consideration in the hope that the measure would be strengthened in the senate by the action of the house. One thing can be regarded as assured and that is that there will be no legislation of the character of the voluntary bankruptcy bill which passed the house in the last congress.

It is quite possible that in the conflict between voluntary and involuntary bankruptcy there will be a failure to legislate on this subject at the present session, but the business interests of the country, which for several years have been urging the passage of a uniform bankruptcy law, will be glad to know that the question is commanding serious attention in congress, for that warrants hope in some practical result sooner or later. It would seem that no more argument is needed to demonstrate the necessity for a general law relating to bankruptcy, in the interest of both creditors and honest debtors—a law under which both would secure just and equitable treatment. No one who has given the subject intelligent and unprejudiced consideration will question that the various and contradictory state bankruptcy laws are most unsatisfactory in their operation. They fail to preserve the equities between different creditors and they do not deal either justly or generously with debtors.

When a class of theological students go out on a strike against their teacher in church history, the only inference the lay public can draw is that the professor in question has not given them proper quotations from the bible and the writings of the church fathers and denning the strike as an unholy and vicious instrument of warfare.

EDUCATIONAL INSTITUTIONS SHALL HAVE BEEN CUT OFF.

The congressmen who are making that fight should turn their attention to reducing the government's share of the cost of running the city of Washington.

There must be an awakening of public conscience in Colorado when brokers are expelled from a mining exchange for being mixed up in doubtful mining stock deals. It will probably take an expert to draw the line between doubtful and legitimate mining stock speculations.

THE CURFEW BILL.

The council of Omaha, Neb., has assumed a metropolitan air by passing the curfew ordinance because the people were strenuously in favor of it. It was passed probably by the usual rig.

STRANGE DEBILITATION.

Nothing in the whole range of human maladies is quite so pitiable as the horrible ailment which prevents some city citizens from seeing gambling machines in operation except during a few short weeks just before election.

EMERGING FROM THE ECLIPSE.

The wheel and the trolley have only temporarily discouraged the equine industry. Hard evidence multiplies that the horse is still in the race. The check that horse breeding has had promises to make profit in the next generation of good draft and roadster stock. The demand for price already existing. Nobly has any use for the poor horse of any sort. He must go.

DANGERS OF SELLING TOO MUCH.

There are 45,000 Spanish troops within a limited district around Havana, and in the same district are 25,000 insurgent troops. And yet the former cannot fight the latter. Can it be possible that Weyler's army is composed exclusively of graduates from the columns of the Spanish kingdom? Does every Hidalgo warrior depend for guidance on a primitive combination of dog and string?

INVADING FOREIGN MARKETS.

Japan is buying steel rails at the Pennsylvania mills, finding them cheaper than in England, and of a better quality. At the same time our furnaces are producing iron for the British market, and selling the home product, to the amazement and consternation of the producer there, who would have smiled at such a prediction a few years ago. The world really moves as Gulliver said it did, but more than formerly, it revolves on its axis, subject to the constitution of the United States, as the British iron master has sadly discovered.

POLITICAL WAR CRIMES.

These war crimes are electrifying expeditions. The unscrupulous politician, the Jingo and the Jacobin, are in accord, and will so remain until the close of the presidential campaign. The people must be patient, vigilant and not wanting in courage and common sense. We are sure to be swept toward many a shoal or treacherous Niagara by the highest and the lowest of them alone. Avert dangerous consequences, if we can, however, keep our course steady until November the war cries will die away and the disservice, thus done to the people will then enjoy the felicity of having, in spite of some temptation, minded their own business and kept an honorable peace with mankind.

PACIFIC RAILROAD LEGISLATION.

Whatever may be the intrinsic merits of the Pacific railroad funding proposition, Congressman Barham is undoubtedly right in his contention that the legal status of the case should be decided by the courts, and not by congress. As to the question of collecting or forgiving the debts owed by the railroads to the national treasury, only congress can dispose of it; but as to the amount of the respective debts and the legal complications arising therefrom, the courts must be patient, vigilant and not wanting in courage and common sense. We are sure to be swept toward many a shoal or treacherous Niagara by the highest and the lowest of them alone. Avert dangerous consequences, if we can, however, keep our course steady until November the war cries will die away and the disservice, thus done to the people will then enjoy the felicity of having, in spite of some temptation, minded their own business and kept an honorable peace with mankind.

CONTRACTS BY LAWYERS AND CLIENTS.

The New Jersey legislature has enacted a statute to govern contracts between attorney and client in suits of damages against corporations in case of personal injury. A large part of the litigation in cities arises from claims of this kind. More than half, probably two-thirds or four-fifths, of the damage suits are prosecuted under an agreement by which the attorney is to receive a part of the sum awarded in the verdict if it shall be in favor of the plaintiff. The New Jersey law provides that all contracts between attorneys and clients shall be subject to the court in which the cases are tried for approval. The percentage of the verdict which the lawyer is to receive must be ratified by the court and the ratio may be increased if it shall be regarded as excessive. It is a beneficent law and it is sound on general principles. An innovation in the administration of justice as marked as the abolition of the law relating to maintenance should be strictly under judicial guidance.

DEMOCRACY'S DESOLATION.

St. Louis Globe-Democrat: The Chicago convention will have no trouble with contesting delegates. On the contrary, the difficulty will be to get enough there for the doubtful purpose of making a quorum.

Chicago Times-Herald: Mr. Morrison is being run away from by the democratic nomination, nor is the democratic nomination running away from Mr. Morrison or any other of the gentlemen whose names have been mentioned.

Buffalo Express: Amos Cummings says New York will present no candidate for the democratic presidential nomination. Campaigning for the office is not what it thought he has no objection to the Ohio delegates giving him a complimentary vote, if they wish. The situation is practically the same as six months ago. The chances are that Mr. Cleveland will get a third-term nomination simply because no one else wants it.

SECULAR SHOTS AT THE PULPIT.

Minneapolis Tribune: Queer people out in California. They rally around one preacher who by his own admission is a disgrace to the cloth and main on his remaining in the pulpit, but they mob a fellow preacher whose crime was that he spoke too strongly against some of the conditions of society which he as an evangelist is bound to denounce.

Kansas City Star: Bishop Andrews, who announced at the meeting of the Southwest Methodist Episcopal conference that ministers should not meddle with the temperance question, is likely to be understood by persons who are not familiar with the custom which prevails in Kansas of promoting various schemes among the members of the church. There are a host of political persons in the Sunflower state who need calling down.

Chicago Tribune: The Second Adventists of Philadelphia have rebelled against the old line insurance companies and have formed one that recognizes their peculiar belief. A leading clause in all the policies of the company provides that "when there is proof that the insured man was caught up into heaven the company must pay his heirs the face of the policy." Here is a company at last that will honest management should be absolutely safe from any possibility of going bankrupt.

Boston Globe: Chicago has succeeded in beating the record in the line of questionable church entertainments. In one of the Sunday churches a perfect havoc is reported to have taken place, advertised as "The Midget Wedding." In this play a little boy took the part of the bridegroom and the marriage of a boy and girl was performed with all the ceremony that such an occasion calls for, followed by prolonged post-nuptial congratulations. A recent article in the Forum called attention to the scandalous latitude taken by some of the churches in order to "raise the dough" and increase church attendance through extraordinary entertainments, but a burlesque marriage in church appears to have been left for a Chicago Sunday school church. No nobly pays them the slightest attention. Meanwhile the Salvation army and the volunteers fill the public eye, and the church members are far more concerned about the philanthropy and alms work than about adhesion to creeds. It is a healthy sign. There is a certain significance in the fact that the famous "Puritan" has been past few years have been coincident with the tightening of party bias among the church-going classes. Now that they appear to be less anxious to party with each other they will have time to labor for purer politics.

PERSONAL AND OTHERWISE.

Colonel Wrong is a candidate for mayor of Sedalia, Mo. The poetry of a motion to adjourn the session of congress would be an acceptable contribution to most papers.

It behooves the favorite sons and daughters of Omaha to provide themselves with certificates of identity and alms work than about adhesion to creeds. It is a healthy sign. There is a certain significance in the fact that the famous "Puritan" has been past few years have been coincident with the tightening of party bias among the church-going classes. Now that they appear to be less anxious to party with each other they will have time to labor for purer politics.

DOMESTIC IDYLS.

Town Topics: She—You love me,