

PLAIN TRUTH ON LOCAL TOPICS

Perhaps the most discouraging thing about this city and this state is the fact that the public conscience has taken up permanent winter quarters. It has gone into retirement, and no amount of prodding will call it out. There is hope for a community so long as it is possible to arouse the people to a proper realization of the wrongs and injustice that are inflicted. When corruption is piled on corruption, when the law is disregarded, when decency is outraged—when all this happens and the people make no sign, then it is pretty bad. In Lincoln and Nebraska corruption in its many forms has become so common that its existence seldom excites comment any more. We are so used to being defrauded and sold out and flim-flammed and walked on that we take all this in our daily portion as we take our Pear's soap and our coffee and rolls—as a matter of course. Our courts are tampered with and our legislative bodies are bought and sold. The goddess of justice, with her silver scales, reaches after the coin and winks her eye as she tips the beam toward the biggest pile. Law is more often disgraced in the breach than it is honored in the observance. But the public conscience is in its winter quarters and refuses to come out.

Perhaps the greatest and most harmful infamy that flourishes in this state and holds practically undisputed sway is jury fixing. Every man who carries a head on his shoulders and an ounce of intelligence in his brain pot, knows that in district court and in the federal court it is almost impossible to get an honest verdict in certain cases. Juries are surrounded by an atmosphere of corruption. Jury fixing has become a profession.

This week, in the United States court in Omaha, before Judge Dundy, was perpetrated an outrage that ought to stir every right-minded man in this state to active protest, an outrage that ought to forever disgrace and dishonor the name of Dundy—and the judge had already allowed that name to trail in the mire. When Thomas H. Benton, of this city, was named on the federal court panel a shameful conspiracy had its inception. When, by a process of chicanery that is most common in Judge Dundy's court, Tom Benton was called in as a juror to try R. C. Outcalt, that conspiracy achieved its first success. Its triumph will be attained in the discharge of Outcalt. When Benton was first named the pretense that Outcalt would be fairly tried became a mockery. The trial is now a fraud on the people. The peculiar workings of the federal court are known to a considerable number of people, and it is not difficult to believe that this scheme to defeat the ends of justice was put through with the full cognizance of Judge Dundy. It is not necessary to make any charge against Mr. Benton. His past relations with Outcalt and the Mosher ring, as well as his predilection for a certain species of intrigue, should have been sufficient to instantly disqualify him from serving on the Outcalt jury.

And in our own district court, too, The Davis murder trial, which had a preposterous ending Thursday, has been a farce from the beginning. The verdict rendered day before yesterday had all of the suspicious suggestiveness of the mysterious and remarkably sudden attack of "insanity" of one of the jurors at the preceding trial. The fact that the attorney for the Rock Island railway company was buying drinks for one of

the Davis jurors within an hour after the announcement of the verdict—celebrating the sacrifice of a poor negro to the avarice of a corporation—was an illustration of the temerity of these men who make a business of juggling with juries. The verdict of the people of Lancaster county is that the Rock Island railway company, rather than pay damages for its own neglect, made a scape-goat of Davis and induced the jury to find the colored man guilty of murder. The jury-fixer doesn't hesitate to put human life in jeopardy.

Maybe some day there will be a judge on the district or federal court bench who will rise in his might and apply the scourge and restore to the trial by jury something of its ancient honor and dignity. There is a great opportunity waiting. In the meantime jury trials are, in many cases, mere judicial crimes.

There have been so many acts in the re-funding bond comedy since the ordinance of June 1894 gave the city council license to present its little drama to the long-suffering people of this city that the time has come for a brief synopsis of the play, to the end that the audience may be in a position to judge intelligently of the players and of the performance before the plot gets any thicker.

In June 1894 an ordinance was passed authorizing the issue of re-funding bonds in the amount of \$534,500, the purpose being to secure a lower rate of interest on the then existing indebtedness of the city. These bonds were to bear 4% per cent interest and were to run twenty years, one-tenth of the whole amount being payable annually after the tenth year and the whole issue payable at the option of the city after July 1, 1904. The ordinance made no provision as to the manner of payment,—whether in gold coin or in currency.

The first move made toward disposing of the issue was by a contract with Green & VanDuyn under which the latter were to take the bonds at par, the city paying them a commission of \$6000. Green & VanDuyn were to have until Dec. 31, 1895 to dispose of the issue provided they took care of any bonds maturing meanwhile. On July 1, 1895, \$26,000 of these bonds matured, and the brokers were unable to arrange satisfactorily for the payment of them. After a considerable contest which finished the destruction of the already weak credit of the city in the eastern bond market the contract was annulled. Soon after this the bonds were offered for sale again, but objections were raised as to the regularity of the proceedings. Three weeks ago the council again tried to effect the sale, at which time Elmer Stevenson took a prominent part in the proceedings, which were again called off because no notice of the sale had been given. Last Monday night the matter came up again, but no final action was taken.

The vital points involved seem to be, first, whether the city can, under the ordinance, issue a gold bond and second, whether Mr. Stevenson is to be awarded the sale regardless of other or better bids. It is very strongly questioned whether the city can lawfully issue a gold bond at this time. Of course a currency bond must bear a higher rate of interest than one payable in gold because the former is not as marketable a security as the lat-

ter. It is deemed advisable to refund only that portion of the bonds bearing a higher rate of interest than five per cent, waiting for the balance until more favorable times when better rates could be secured after the city has tried to do something in the way of restoring its shattered credit. It ought to be possible to sell a 4% per cent bond at very near par, or perhaps a five per cent bond at a premium. The difficulty with trying to sell a low rate bond and paying a brokerage commission is that the city is not in shape to pay commissions to anybody and the sale must be so effected as to make the commission available for the broker out of the premium he might be able to sell at.

Meanwhile the city circus exhibits itself with a cheerful regularity every Monday night, with sometimes a side-show in the middle of the week. Some of the unique conditions, such as a cash contribution of two thousand dollars before entering the ring, and other senseless restrictions on bidding, would make the matter altogether humorous were it not for the fact that impaired credit makes higher taxes. Whether the trouble lies in misguided ignorance of municipal finances or in something worse it is anything but comforting to sit down and figure out a needless burden of from ten to twenty thousand dollars a year as the modest price the city pays for what its aldermen do not know. Whether Mr. Stevenson is to get the bonds or not depends upon the relation existing between the "impressionability of the city council and public forbearance.

(First publication November 23.)

IN THE COUNTY COURT OF LANCASTER county, Nebraska. The state of Nebraska to Annie Spencer, Eddie Spencer, Cleveland Spencer, Guy Spencer, and to any others interested in said matter:

You are hereby notified that an instrument purporting to be the last will and testament of Stephen A. Spencer, deceased, is on file in said court, and also a petition praying for the probate of said instrument, and for the appointment of Annie Spencer as administratrix. That on the 12th day of December, 1895, at 9 o'clock a. m., said petition and the proof of the execution of said instrument will be heard, and that if you do not then appear and contest, said court may probate and record the same, and grant administration of the estate to Annie Spencer.

This notice shall be published for three weeks successively in the Courier prior to said hearing.

Witness my hand and official seal this 20th day of November, 1895.

J. W. LANSING,
County Judge.

NOTICE TO CREDITORS.

In county court, within and for Lancaster county, Nebraska, October 31, 1895, in the matter of the estate of John O. Lowry, deceased.

First Publication Nov. 2.

To the Creditors of said Estate:—You are hereby notified, that I will sit at the county court room in Lincoln, in said county, on the 2nd day of March 1896, and again on the 1st day of June, 1896, to examine all claims against said estate, with view to their adjustment and allowance. The time limited for the presentation of claims against said estate is six months from the 1st day of December, A. D. 1895, and the time limited for payment of debts is one year from said 1st day of December, 1895.

Notice of this proceeding is ordered published four consecutive weeks in The Courier, a weekly newspaper published in this state.

Witness my hand and the seal of said County Court, this 31st day of October, 1895.
JOSEPH WURZBURG,
Nov 23 County Judge.

SHERIFF'S SALE.

(First published Nov. 16.)

NOTICE IS HEREBY GIVEN THAT by virtue of a vendi issued by by virtue of two executions issued by the clerk of the district court of the third judicial district of Nebraska, within and for Lancaster county, one in an action wherein National Life Insurance company is plaintiff and Theodore Kaar is defendant. I will at 2 o'clock

p. m. on the 31st day of December, A. D. 1895, at the east door of the court house, in the city of Lincoln, Lancaster county, Nebraska, offer for sale at public auction the following described real estate to wit:

The north half of the southeast quarter of section thirty-three (33) township nine (9) north, range six (6) east of the 6th P. M., in Lancaster county, Nebraska.

Given under my hand this 29th day of November, A. D., 1895,

FRED A. MILLER,
Dec. 13. Sheriff.

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