

THE COURIER

LINCOLN, NEB., SATURDAY, JANUARY 4 1896.



ENTERED IN THE POST OFFICE AT LINCOLN AS SECOND-CLASS MATTER

PUBLISHED EVERY SATURDAY

THE COURIER PRINTING AND PUBLISHING CO.

Office 217 North Eleventh St.

Telephone 384

W. MORTON SMITH Editor and Manager
SARAH B. HARRIS Associate Editor

Subscription Rates—In Advance.

Per annum	\$2.00
Six months	1.00
Three months	.50
One month	.20
Single copies	.05

OBSERVATIONS

Mr. Annin, the Journal's Washington correspondent, has an able defense of Senator Thurston's action in appearing in the supreme court of the United States in Washington as the attorney of the Union Pacific railway company. Mr. Annin contends that the senator in this case really acted as counsel for the receivers of the railway company, and that there is a vast difference between representing the receivers and representing the road as Mr. Thurston formerly did. The correspondent argues that the senator was, under the circumstances, appearing on behalf of the government. Theoretically Mr. Annin may be right, but there are a great many skeptical people in Nebraska who cannot be made to believe that it is proper for a man holding the high office of United States senator to act as attorney for a railway company, or for receivers of a railway company. The assurance that Senator Thurston will not again appear as attorney for the Union Pacific company is gratifying to that gentleman's friends in this state who do not wish to see him make any mistakes in his blossoming political career. The senator has too much at stake to make it wise to incur criticism of the kind recently bestowed.

Perhaps the most important event in the business history of the city of Lincoln in the last twelve months is the reorganization of the board of directors of the First National bank, notice of which came as a New Year's day announcement. There have been those who have been disposed to weaken in their allegiance to Lincoln, people who have not hesitated to intimate that those influences that have contributed to the development of the city, have

permanently withdrawn their interest. But when the president of the great Chicago, Burlington & Quincy railroad company, Mr. Perkins, and the vice president of the same system, Mr. George B. Harris, enter the directory of a Lincoln bank it does not look as if there had been any withdrawal of interest. When Mr. Perkins and Mr. Harris, representing the executive department of the C. B. & Q., and Mr. W. R. Kelly, the general solicitor of the Union Pacific railway company, attach themselves to the board of directors of the First National bank it means that there is a faith in Lincoln and its future that can be computed in dollars 'way up in the millions. It means that Lincoln is recognized as a formidable and important city. It means that a solidity has been imparted to the First National bank that nothing can shake. And it means renewed confidence and zeal for every business interest in the city.

Two cases now before the public in this state will be effective in determining the limits of judicial tyranny. When the case of Editor Raker of Gretna, sentenced by Judge Scott in Omaha, to a year's imprisonment in the penitentiary for certain editorial remarks, well sustained by the facts, it is said, and backed by public sentiment, and the case in Judge Dundy's court in which certain expressions in The Courier resulted in an order to show cause for contempt and an indictment by the grand jury for "attempting to impede the course of justice" are disposed of it will be seen whether judges and courts have the power to muzzle the press and thus screen questionable acts, or whether a judge is liable to the same criticism that may be bestowed on any other citizen or officer, with the same redress for wrongs done that any other citizen has. The end is foreseen. A higher court than Judge Scott's, a higher court than Judge Dundy's, has long since settled this question. All that remains is to have the law reaffirmed in those two cases. There is no law in this country that will justify Judge Scott and Judge Dundy in using arbitrarily the power of the state and nation in punishing those persons who, outside of the court room, incur their personal displeasure. Certainly every man is entitled to a fair trial before an impartial judge or jury. Is there any single principle of law or consideration of justice compatible with the course of Scott and Dundy in first appearing as accusers and then sitting in judgment on the accused?

The judicial travesty committed by Scott in sentencing Mr. Raker to a year's imprisonment has occasioned much indignation, and people are asking, What manner of man is this Scott?

The answer to that question opens up the whole subject of Rosewaterism or Rosewaterophobia and the A. P. A. It touches at the vital point the issue in the recent campaign in Douglas county. Judge Cunningham R. Scott is not gen-

erally regarded as a corrupt man. I believe the idea is widely entertained in Omaha that he is honest. But it is admitted even by the judge's warmest friends that he is unfitted for service on the bench. He is unreliable and erratic. Without perhaps being crazy he is mentally unbalanced. He gives way to unbridled passion. He is vituperative and vindictive. He is as fully disqualified for the position he holds as is Judge Dundy. Had the recent campaign in Douglas county been conducted on rational or legitimate lines Scott would have been overwhelmingly defeated—he could not have been renominated. But Rosewater and the A. P. A. were the issues in that contest and all considerations of personal fitness were sunk into insignificance in marking the line of battle. Scott was one of Rosewater's particular aversions. There was a feud between these two of long standing. During the campaign Scott delivered a speech in South Omaha devoted wholly to Rosewater, extracts from which were published in The Courier at the time. In the course of the speech, as some readers may remember, he referred to Mr. Rosewater as an "after dark production on the cross roads between Bohemia and Judea." Scott was used as a charge for the cannon directed against the Rosewater breastworks. Ben Baker, another totally unfit candidate for judge, was also used as a charge, chiefly because of his enmity for Rosewater. The republicans in Douglas county took up anything and everything that was ever inimical to Rosewater and waved the red flag of the A. P. A. Some good men managed to get squeezed in; also a number of bad men. Judge Scott is a part of the cost of Douglas' recent campaign. It is hardly possible that this statement will be taken as a defense of Mr. Rosewater. My name is accorded too prominent a place on Rosewater's black-list to allow of any probability that I would seek, at this late day, to get under his banner. But these are the facts as every fair minded man in Omaha and elsewhere who is conversant with the situation will attest. In the effort to down Rosewater there has been altogether too much heedlessness—acts on a par with the nomination of Tom Majors. The appearance of the A. P. A. as a political factor has been accompanied by much unpatriotic and disturbing conduct.

Mr. Raker has been regarded as friendly to Mr. Rosewater, and it is generally believed that the sentence of one year's imprisonment was in the nature of a penalty for his affiliation with the editor of the Bee. Personal liberty guaranteed by the constitution of the United States and the constitution of the state of Nebraska is in great danger as long as a Dundy and a Scott are permitted to make a burlesque of justice and trample on individual rights.

There is danger that Lancaster county is to be treated to the same expe-

riences that have recently characterized the politics of Douglas. For four years the A. P. A. in this county has struggled to obtain the supremacy in politics that it has enjoyed in Omaha. Not a great deal of headway was made until recently. Now there is danger ahead.

It is said that a man may not clean cuspidors in the capitol unless he is a member of the American Protective Association. State officers, clerks and janitors belong to the order. The state house is looked upon as an A. P. A. citadel. With this influence so strongly entrenched in the capitol it seems only a question of time when its domination shall extend. The city building and the court house are already strongly A. P. A. Politicians of all classes belong to it. And as in other places the society is used as a means for personal advantage and advancement.

Primarily the A. P. A. is maintained for the purpose of preventing the Catholics from obtaining control of our public school and public officers. But the primary idea is often left far behind in the practical workings of the order or society. Now, it would not be desirable to have the Catholics have full control try. Neither would it be desirable to have the Methodists or the Presbyterians or the Episcopalians or the K. P.'s or the A. P. A.'s or the A. O. U. W.'s or the Modern Woodmen or any other one distinctive body of men have undisputed control of the offices and schools. I believe those persons who were instrumental in forming the A. P. A. had an exaggerated idea of the menace of Catholicism, admitting for the sake of argument that it is a menace, and that many of those persons who have since devoted themselves to extending the power of the society have been impelled by a desire to advance their own fortunes, political and otherwise, rather than by any genuinely patriotic instinct. Out of A. P. A. agitation has come in many instances disorder and riot, and not infrequently bloodshed. A. P. A. agitation is largely responsible for the election of such men as Ben Baker and C. R. Scott to the district bench. A. P. A. agitation is largely responsible for the disturbance in this city over the recent action of the board of education—it must be the opinion of right-minded men that Faragut post allowed itself to be too greatly influenced by the oft-times ill-conditioned ardor of the A. P. A.

The Courier has always been in favor of any patriotic movement, principle or impulse, and I have several times been accused of carrying the patriotic idea to the border line of sentimentalism. Nowhere could any idea of loyalty to country, love of American institutions, patriotic devotion to the flag and all it represents, loyalty to the town and state in which we live, find a more ardent expression or advocacy than in