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OBSERVATIONS

Judge Holmes refused to grant Davis a new trial. He sentenced the colored man accused of wrecking the Rock Island train, which wreck caused the death of several persons, to twenty years imprisonment in the penitentiary. Judge Holmes' action was repugnant to the sentiment of an overwhelming majority of the people of Lancaster county. Davis may be guilty of wrecking the train, tho' comparatively few people believe he is; but it was not proved in the trial that he committed the crime. There were strong circumstances tending to show his guilt, but circumstances are not always convincing fact. In this instance there was no certainty that the accused was guilty, and much room for doubt. Considerations of justice and humanity should, it is generally believed, have prompted the judge to give the negro suspect the benefit of the doubt. Probably no motion for a new trial in this county was ever supported by such a weight of evidence and argument as that brought to bear in behalf of the plea to give the negro another chance for his liberty. The public was prepared to see a new trial granted. Evidence tending to show that some of the jurors who passed judgment on Davis were incompetent and that the verdict was secured by improper means, was introduced, and whatever may have been the effect produced in the officially judicial mind, there was aroused in the average mind a reasonable doubt of the regularity, to say nothing of the justice, of the verdict rendered by the jury. The judge may contend that it was not demonstrated finally, conclusively and beyond all peradventure, that the judgment of the jury was improperly or irregularly rendered—that jurors were incompetent or had been tamper-

ered with. Such a contention may be admitted. But it might be asked, was it demonstrated during the trial, finally, conclusively and beyond all peradventure, that Davis had committed the crime with which he was charged? No one will answer "yes" to this interrogation. It appears to me that the proceedings in the Davis case came much nearer establishing the fact that the jury had been improperly influenced and was incompetent to render an impartial verdict, than they did the guilt of Davis, and the judge could, without any straining of the law or conscience, have given the prisoner the benefit of the doubt. As it stands now the railway company and the able attorneys for the railway company have all of the benefit of the doubt on their side, while the poor negro is judged by circumstances and sentenced to what is, in effect, imprisonment for life, not because the prosecution established his guilt, but because the defense failed to make irrefutable demonstration of his innocence.

Just compare for a moment the case of Monday McFarland with that of Davis. Both are colored men. Both were charged with murder. Both confessed. In this community there was a general belief, amounting practically, to unanimity, that McFarland was instrumental in causing the death of John Sheedy. The evidence against him was certainly much stronger than that which was offered against Davis. McFarland went free. Davis made a confession, it is true, but it is an established fact that confessions by negroes are far from conclusive. The evidence was weak, wholly circumstantial. Davis was found guilty.

If circumstances are to weigh so heavily as they did in the prosecution of Davis there is a strong case against the alleged jury fixers.

A friend tells me that he is pained to note the excessive pessimism that, in his opinion, permeates The Courier. Now there isn't a single pessimist on the staff or about the office. The editors are fond of walking in the sunlight. They like to hear the birds sing, and they like to smile and laugh. They believe there is infinitely more good than bad in the world. The men in the composing room who set these types are optimists. They whistle while they work, and sometimes in an excess of optimistic exuberance they perform very amusing antics with the copy which is placed before them. Even the janitor is not a pessimist. He is a black man, but when he comes into the sanctum every evening at 6 o'clock, he brings hope and mirth and lightheartedness with him. No, we are not any of us pessimists. We are proper optimists. I hardly think my friend was justified in declaring The Courier pessimistic.

Master Pangloss taught Candide the metaphysico-theologo-cosmologology, and Candide, the optimist, came to

think that everything is for the best and this is the best of all possible worlds. And Candide, after going through life and receiving all manner of cuts and bruises, held to his opinion to the end. Candide was a philosopher. The editors of this paper are not philosophers. They can hardly follow Candide, but they see much good in this life. Their optimism, if it does not go as far as Candide's, goes to the length of admitting a preponderance of good in men and the institutions which men have set up. They are glad to applaud when the act seems to them deserving of praise and frequently they do applaud. They take notice of the bright and pleasing and beautiful things and see every day manifestations of virtue and honesty and nobility, and gladly do they report these things. But they are not blind. All the sunlight and the glitter, all the singing and the laughter, all of men's goodness and kindness do not make them incapable of seeing wrong and injustice, and they do not believe they are chargeable with pessimism because they give heed to these things also.

Omaha and Nebraska received notable recognition in the selection of Carl Smith as the successor of Eugene Field on the Chicago Record. Mr. Smith has been connected with the World-Herald for many years, and his verse and other literary work have been of an exceptionally high order. Like Field, he has a fondness for writing children's poetry. He will drop into his new place gracefully, and success will surely come to him.

Providence permitting, the people of Lincoln will have the happy privilege of attending the Trans-Mississippi exposition to be held in Omaha during the months of August, September and October, 1898. It will be a great affair greater than the annual chicken show, greater than Mr. Furnas' celebrated state fair, greater than the Knights of Ak-Sa-Ben's betinselled Feast of Mondamin, greater than the Atlanta exposition—almost as great as the World's fair. The people of the United States and New Jersey and Council Bluffs and St. Joe will be invited to attend and make exhibits, as will also the people of Mexico, the Central and South American countries, and all foreign nations;—and they will come. There never has been such an opportunity to see the wild Omahan in his native lair and there never will be again, and greasers from bull-fighting Mexico, dwarfs from Terra del Fuego, Eskimos from Iceland, policemen from Ireland, Polanders from the poles, Siamese twins from Siam, Turks from Turkey, Hots from Hottentot, Senegambians from Sengambia, aldermen from Aldernay, Altrurians from Altruria, Lairds from Scotland, peanuttis from Italy, all men of all climes and nations, colors and morals will flock to the west bank of the Missouri to observe the Omahas with their war paint on. A limited number of Lincoln people be given (for

a consideration) tickets entitling them to starding room, and they will be permitted to mix in the great show, the assembling of nations. Fred Flug's brewery will have a flowing keg in each window, and an American eagle on the great chimney. The Bee building will be painted red, indicative of its blusly feeling as the pride of two continents. The union depot will shimmer in the golden sunlight. The packing houses in South Omaha will squirt eau de cologne, and Omaha will revel in an ecstasy of hilarious magnificence. Too bad its such a long time till August, 1898. In this city 63,714 persons will put in ten hours a day for one and one-half years waiting for the Trans-Mississippi exposition.

The appearance of the play, "Trilby," in this city this week emphasizes the fact that all great literary sensations are ephemeral. Du Maurier's sketch has gone the way of all of the books that have been sensations in the last ten years. The obscurity that reached out and enveloped "Robert Elsmere" and "She" and Amelie Rives' book, and others of this class, is fast taking hold of "Trilby." The play may be said to, have outlived the book. But De Maurier should not be insulted by a comparison with Mrs. Humphrey Ward and Amelie Rives. His book had what theirs had not. It had the touch of art—the impress of truth. It was quite the most delightful, deft bit of sketching since the days of Thackeray, and while it has ceased to be a sensation and is in a sense ephemeral it will remain as a work of art, to be taken down and dusted and admired, after the contemporary literary sensations have been entombed.

The World-Herald is doing some excellent service along the line of "Stand up for Nebraska." Its editorials on Nebraska have the double merit of truth and force.

Coincident with the retining influence of the state university and the various schools maintained in this community, there is a degrading criminal influence spreading in this city that must, as time goes on, have a marked effect, if indeed such an effect is not already observable, on public and private morals. It is the convict influence. This subject was called to my attention the other day by a county officer whose duty lies in the prosecution of criminals. We were conversing in the lobby of the Capital hotel, and as an illustration of the fact that Lincoln is full of ex-convicts the officer said: "There are two men standing within twenty feet of us now who have served a term in the penitentiary." He pointed them out and gave their names and crimes. Continuing he said: "I believe it is entirely within the truth to say that there are five hundred ex-convicts at large in this county. They are to be seen on every hand. A large number of petty offenders taken before the police judge have served their term.