

JUDGE CONDUCTS THE CASE

Striking Features of Criminal Court Procedure in England.

PICTURE OF THE CRIPPEN TRIAL

Decorum and Speed from Start to Finish—Part Taken by Trial Judge in Directing the Case.

Sharp contrasts in the procedure of murder trials in England and the United States are brought to public attention by the trial, conviction and sentence of the American doctor, Hawley Harvey Crippen, in London. The promptness shown in securing a jury, the absence of legal pettifoggery and technicalities, and the dominating part of the trial judge in the examination of witnesses, is so different from American methods as to call for commendation for the former and condemnation for the latter.

The trial judge was Lord Alverstone, lord chief justice of England. In the days of Premier Salisbury he was Sir Richard Webster, attorney general, and was chief counsel for the London Times in the famous Parnell trial, in which the government and the Times were down in the humiliating defeat. The presence of the lord chief justice as presiding judge in a criminal case is explained by the fact of the prisoner being an American citizen.

A review of the trial as a whole, and the part taken by the judge in the proceedings is necessary to a full understanding of the English procedure and the manner in which it differs from the methods of American trial courts. The London correspondent of the New York Sun presents this graphic account:

Trial Scenes.

"Although a British court of justice where a murder trial is proceeding is always characterized by quiet, passionless decorum, combined with a steady, businesslike dispatch, when one of these big murder cases is being tried there are always beneath the surface tense excitement and deep emotion, which only come to the surface when the jury returns and again on its return to give its verdict.

Lord Alverstone, lord chief justice of England, is the most impressive and dignified figure on the British bench. Robed in ermine and scarlet and attended by the lord mayor and sheriffs wearing their official robes and gold chains of office, he is the personification of judicial strength, of which the black and gold scarboard sword is the emblem. Beneath him sat the black gowned, white wigged clerk, and in the well of the court between him and the prisoners' dock, where Crippen's draper, indignantly but in a measured way, by the hurly form of three warders, sat gowned and wigged counselors at a large table, at which the instructing solicitors with books and papers were also seated.

Three loud knocks behind the judge's seat warned the court of the chief justice's return, preceded by a mass of courtiers, accompanied by the officials already mentioned. The judge and the standing court exchange bows, and forthwith the trial begins. Twelve men file into the jury box and are sworn one by one to see justice between "our sovereign lord, the king," and the prisoner. Three jurors, and one very exceptional, are rejected by the prisoner's counsel. It is done by an almost inaudible word. The men's personal appearance was sufficient explanation of their rejection. Three others are brought in, and within eight minutes of the judge's entrance the jury is empaneled, the prisoner is arraigned, and the clerk reads the indictment to Crippen, who pleads not guilty.

Down to Business. "Mr. Muir," says the judge, and the leading counsel for the crown stands up and begins his statement of the case for the prosecution in calm, passionless language, without a gesture, without the slightest attempt at rhetoric, with no trace of feeling against the prisoner, frequently even pointing out facts which may tell in the prisoner's favor. In eighty minutes counsel gave a lucid masterpiece of narrative, throughout which he confined himself to the admitted facts of the long story of the relations between Crippen and his wife and his mistress.

"Once only in the four and a half days did counsel protest at anything that happened. This was done by counsel for the defense, who objected to the introduction of a crown witness after the case for the crown had been closed. The judge said: 'I will admit the evidence so far as it is justified by the prosecuting counsel's opening statement.' Counsel for the defense remained standing a moment in further protest. 'I will take care of you Mr. Tobin,' said the judge. Counsel bowed and took his seat. 'The incident occupied hardly a minute. 'Not a single witness was examined or cross-examined by counsel on either side without the judge's intervention, sometimes requesting counsel to make his question clearer, sometimes helping the witness to couch his answer; always making every effort to save time. It mattered nothing whether it was a crown or defense witness, when counsel had finished with him or her the judge would say: 'Now I want to ask a few questions.' Then in three or four lucid questions he would elicit in plain, concise form what counsel would take twenty minutes and innumerable questions to get out. Then the judge would ask a few questions, always straight to the point, which counsel had overlooked or did not desire put.

Judge Takes the Case. "A good example of the manner in which Lord Alverstone took the case into his own hands was his dealing with the medical witnesses for the defense. The identification of the mutilated remains, apart from the fragments of garments buried with them and from mere inference, de-

pendent upon whether a mark on a piece of flesh was the scar of an operation or merely a mark caused by folding and pressure when beneath the bricks of the cellar floor. The medical experts for the crown brought overwhelming evidence to prove the mark was a scar, and it was known that Belle Elmore had such a scar, the result of an operation. "The medical witness for the defense gave a directly opposite opinion. After both counsel had finished with him the judge took him in hand, pressed him and shook his evidence. Then, expressing regret that the witness had absented himself from the court when the crown witnesses gave their evidence, he called one of the latter into the witness box and made him demonstrate on a piece of skin and flesh his grounds for declaring the mark must be a scar. This done, the judge said to the witness for the defense: 'Now, after hearing and seeing Mr. Pepper's reasons for declaring the mark must be a scar resulting from such an operation, is not your opinion modified?' 'No, you not think it may be a scar?'

"The witness adhered to his own opinion, but when he left the witness box there was no doubt that his defence had been rubbed of all value in the jury's eyes. "Earlier in the case, when numerous exhibits of the dead woman's jewelry were produced for identification by witnesses, the judge examined all and selected a few for the jury to inspect, dismissing the rest as of commonplace, ordinary appearance and thus of no value for purposes of identification, so that it would only be a waste of time for the jury to examine them.

Checks on Lawyers. "Again, when counsel for the defense outlined the story of Crippen's arrangement with the quartermaster to hide him on board the steamship Montrose, after the first sentence the judge interposed, asking, 'Do you produce the quartermaster?'

"No, my lord," counsel responded. "The judge nodded, and the weak story, evidently shortened, fell ineffective from counsel's lips. So it was throughout the trial; the judge would pull all counsel when, after receiving an answer from a witness, they worked around to the same question.

"He has answered you," Lord Alverstone would say, "and you must take his answer." "Frequently he would interpose, telling counsel: 'It is now time to press this point,' or to press another point as being important. It was the judge's questions that made Crippen contradict himself on an important question, the date of the purchase and who purchased, himself or his wife, the incriminating suit of pyjamas part of which were found with the remains.

Chief Conductor of Case. "Twice the judge intervened in behalf of Crippen, once when the prosecution was pressing him as to what he meant by the word 'it' when he said to Inspector Dew of Quebec: 'It is only fair to say I told Miss Lennox nothing about it.' Crippen said he had meant he had told her nothing of his arrest or of lying letters and telegrams. The judge made counsel accept the answer, but in summing up he drew attention to the weakness of the explanation. Again he refused to put a question a jurymen suggested because, said he, 'it is rather argumentative.'

"In fact, it is hardly too much to say he was the chief conductor of the case both for the crown and the defense. What little could be suggested in Crippen's favor he pointed out in summing up. What points might be considered debatable—and they were very few—he stated, saying it was for the jury to decide on them. But his whole lucid retelling of the story from the evidence could not have been more damning had it come from the mouth of the prosecuting counsel. Indeed, its impressive delivery and its aloofness from all personal feeling made it far more convincing of the prisoner's guilt than the final address of the prosecution to the jury."

SOME HUMORS OF THE CENSUS

Omaha Woman Contributes a Mite to the Galety of the Questioner.

That the divorce question met with considerable trouble in other sections of the country as well as in the east is evident from several other stories that reached the ears of the metropolitan census takers. There was a woman in Omaha, Neb., for instance, who flatly refused to commit herself one way or another on the question, and who only complied with the enumerator's request when threatened with arrest. Then, to the surprise of the census man, she said she had not only never been divorced, but never married. Her rebellion against the question consequently puzzled the census man greatly until he learned that the woman, who had come to town only recently, had been posing in the community as a divorcee with a large alimony income for the evident purpose of obtaining credit on a considerable scale from the local merchants. A second story has to do with a woman named Allison of St. Louis, who was actually taken to the police station before she was made to realize the necessity of complying with the census rules. "What's the trouble?" asked the sergeant. "She won't tell whether or not she has been divorced," came the complaint. "You must answer all the questions," was the command. "Well, then," said the woman, "I was divorced a year ago, but as my husband and I are thinking of making up again soon I don't see why I have to be labelled as a divorcee. I hate the sound of it." The third story comes from Toledo, O., where a woman told the census man that if he failed to chronicle the fact that she had been allowed the custody of her children and that her husband was a brute she would see to it that he "lost his job."—Harper's Weekly.

Many a man never turns over a new leaf because he allows the pages to get gummed up.

Defects in Nebraska's Taxation System

So far we have been speaking of regular taxes—taxes that become due and delinquent regularly at dates fixed by law. Another kind of tax, called a special tax, is levied against property on account of special benefits to that property, such as street improvements, sewers, sidewalks, etc. Special taxes are now kept separate and distinct from other taxes. They are kept in separate books, written on separate receipts and one department of the treasurer's office devotes its time exclusively to this kind of tax. Hence we have now three kinds of real estate tax, and two kinds of personal tax, each kept in a separate book, all five of which must be examined before you can be advised as to the condition of your taxes for any one year, and as the men who take care of the regular taxes have nothing to do with the special taxes, after you have had your regular taxes taken care of, you are obliged to call at the special tax window to pay your special tax, and if you fail to pay any one of these three kinds of real estate tax, your property will be sold for taxes.

The most lamentable feature of our special tax system is the fact that a special tax may be levied at any date and will become delinquent in fifty days from date of levy. Regular taxes fall due at regular dates, and it is possible for people to learn these dates and be prepared to meet the tax as it comes due, but no one knows when a special tax is coming unless he follows closely the proceedings by which it is created. For example, the last regular tax becomes delinquent July 1. At the time you pay this tax you may go to the special tax window and inquire whether any special taxes is due or delinquent against your property, and may be correctly informed that there is not, and yet your property may be sold in November for a special tax that came due subsequent to your inquiry. You may go even farther than this. At the time you pay

your last regular tax, you may inquire whether any special taxes levied are charged against your property, and may be correctly informed that there is nothing whatever on the books against your property, and yet, as late as the 15th of August a special tax may be levied against your property which will become delinquent September 30, be advertised in October, and offered for sale in November. It is hardly conceivable that such a condition would be permitted to exist, and yet it is true. We have a striking illustration this year. After July 1 about twenty ordinances were passed levying a special tax against about 1,500 or 1,800 pieces of property. This tax became delinquent before October 1, and some of this property is now being advertised, and there is no doubt that many of the owners of what is being advertised do not know that a tax has been levied. It is true that this tax was levied on petition of the property owners and at their request—that is at the request of a certain portion of them, and yet many owners of vacant property, or persons who happened to be out of town had no part in this request. It is also true that notices are mailed out, but it is not always possible to get the correct address of property owners, particularly of vacant property, and a notice may be sent to a former owner instead of a recent purchaser, so that the actual owner may have no actual notice of the tax. This is particularly true of a tax for opening streets or improving boulevards, etc., where there is no visible evidence of any improvement until after the tax is collected. We have a recent example of this. During this summer a tax was levied on all property from Center street north to Indiana avenue, and from Twenty-fourth west to Thirty-eighth, for the purpose of improving the boulevard. This taxed several thousand pieces of property, and an astonishingly large per cent of the owners had no idea at all as to what the tax was for when they received the notice, and many of those whose card failed to

reach them may never know that there is such a tax, until they receive information in the form of a surprise, either at the special tax window, or by finding their property sold for taxes at some future date.

Our special taxes are subdivided into five different classes, and we have five different kinds of special tax districts. (1) Street improvement districts, (including paving and curbing), (2) sidewalk districts, (3) sewer districts, (4) grading districts, (5) miscellaneous districts (including boulevard improvements, opening streets, etc.) Taxes for street improvements are payable one installment each year for ten years, and each of the others is payable in fifty days from date of levy. It seldom happens that all five kinds of special taxes are charged against the same property at the same time, but it would be entirely possible for this to happen, with each tax becoming delinquent at a different date, and if one owns property in different parts of town, it would be entirely possible under our present system to have a tax becoming delinquent every month in the year or even oftener. In fact some of the large real estate owners keep a special tax account on their books, and pay a list of special taxes the first of every month with as much regularity as they do their gas or phone bills.

This condition certainly ought to be changed. It ought to be made possible for the property owner to know where he stands in tax matters. In my judgment special taxes should be included with the regular taxes, so that one inquiry and the examination of one book would answer all questions as to taxes on your real estate for the whole year, instead of being obliged to search three books, and be on guard continuously for new developments throughout the year. If special taxes were included with the regular taxes it would make it possible to dispense with the special tax department altogether, without materially increasing the work of the other departments, and thus make possible a

great saving in the collection of taxes, as well as add to the convenience of the taxpayer.

It is true that several things must be taken into consideration in making this change, but none of them offer insurmountable obstacles. The great number of different districts suggest one problem, but this can easily be taken care of. Another problem is suggested by the fact that if a special tax were levied too late to be included with the regular tax for that year, it might have to stand over a year before it would be collected. This could be largely overcome by keeping in mind the proper time to make the levy, so as to get it included in that year's tax. Or it would be possible to make the levy at any time and issue warrants against the fund before it is collected, as is now done by the county with the county funds. In some respects this would be a desirable plan, as it would make it possible to issue warrants as soon as they were needed, and would save collecting money in advance and having it lay idle, and would give the taxpayer the use of his money until it was actually needed for the purpose for which it was levied.

However, it is not our purpose at this time to work out details. It is our purpose rather to suggest food for reflection. We have pointed out in a general way what the defects of our tax system are, and how they operate to the detriment and inconvenience of the taxpayer, and have made general suggestions as to what should be done to correct existing conditions. The details of the solution must be worked out through state legislation. Our local officials and local law making bodies, such as the city council and county commissioners, are powerless in most of these matters. The relief must be had through the state legislature. In our next paper we will give a brief review of the laws of other states, showing what states have adopted laws similar to the suggestions we have made. BOYD EVSART.

Misings of a Crane.

A woman is almost as much afraid of a mouse as her husband is of a milliner's bill. Charity begins at home, but unfortunately you can't always find it there when you call.—New York Times.

NEGRO DREW FIVE PENSIONS

One of Them Was His, the Others Were Not, but He Got Them Regularly.

For many years there lived in Philadelphia a negro veteran of the civil war named Dee Wilton Laws, the janitor of the Grand Army of the Republic headquarters. His duties in this connection occupied a part of his time; the rest of it was pretty well occupied in drawing four pensions. One of them was his own. But the others were those of other men—two dead, one living. Being rather keen on pensions Laws furthermore had his wife draw an annuity which was not rightly hers—making five pensions in the family.

Laws and his wife lived in the South End of Philadelphia, where for several years there resided with them an old negro pensioner named Robinson and his wife, Susan. Robinson died; his widow, Susan, began to draw the pension. Then she died. The pension bureau never heard of Susan Robinson's death. For Mrs. Dee Wilton Laws could sign a voucher just as well as Susan Robinson herself. So for four years the government every three months handed Annie Laws a snug little sum on account of the fact that an old negro named Robinson had once served in the army.

Dee Wilton long lived happily in receipt of his own annuity and of the pensions which the government thought it was paying to William Lewis and James O. Harris, both of whom were dead, and of George Harrison, a feeble-minded veteran in the almshouse. Laws received his various checks at different addresses, the homes of friends of his. Johnny Timan, Ninth and Locust streets, and at the shop of a Jewish clothing dealer in South street.

Eventually the pension commissioner was informed. It was an easy matter, once attention was directed at the rascal, to convict him. His sentence was three years in the federal prison at Atlanta, where he languishes today.

Annie Laws got away. No one suspected her. The investigation of her husband was not extended to include his family.—World's Work.

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