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THE DAILY BEE. E. ROSEWATER, Editor.

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SWORN STATEMENT OF CIRCULATION. State of Nebraska. County of Donglas, (88,

George B. Tzschuck, secretary of The Bee Publishing Company, does selemnly swear that the actual circulation of Tus Datty BEE for the week ending April 12, 1890, was as fol- lows.
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Average 20.710 GEORGE B. TZSCHUCK. GEORGE B. TZSCHUCK. Sworn to before me and subscribed to in my presence this 12th day of April, A. D. 1806. [Seal.] N. P. FEIL.

Notary Public.

Notary Public. State of Nebraska. County of Douglas. George B. Tzschuck, being duly sworn, de-poses and says that he is sceretary of The Bee Publishing Company, that the actual average daily circulation of The Datry Ber for the month April. 1880. 18,830 copies; for May, 1880. 18,020 copies; for August. 1880. 18,031 copies; for September. 1880. 18,710 copies; for October. 1880. 18,020 copies; for November. 1880, 19,310 copies; for December. 1880, 20,708 copies; for January 1880. BLAG copies; for November. 1880, 19,310 copies; for December. 1880, 20,845 copies; for January 1880. BLAG copies; for November. 1880, 19,500 copies; for March, 1800, 20,845 copies; for January 1880. BLAG copies; for Schwarz, Bernare B. Tzschuck, Sworn to before me and subscribed in my

Sworn to before me and subscribed in my presence this 5th day of April, A. D. 1800. [Seed.] N. P. FEIL, Notary Public.

THE democrats have vindicated the famous precinct thirty-four in Butte, but the accounts fail to state how much the "big four" paid for the vindication.

A KANSAS community sharply draws the color line by refusing a colored pupil admission to the public schools. Shades of Ossawatomic Brown, whither are we drifting?

CANDIDATES are already in the field for the seat made vacant by the death of Sam Randall. The vacancy in the democratic party will continue long after his successor is chosen.

THE white lead and linseed oil trusts are about to pool interests and inflate their combined capital to one hundred and twenty million dollars. This is one of the infant industries that is appealing for increased tariff duties.

THEY are paying from two to three dollars flat money for one dollar in gold in Brazil and Argentine. Both countries demanded "increased circulation" and secured it as fast as machinery could turn it out. Now the main trouble is to make it circulate.

THE more the barb wire trust plunge into court the deeper are the barbs of defeat driven into the vitals of the combine. Four divisions of United States courts have pronounced the Glidden patents invalid, yet the trust continues to coerce and blackmail its rivals.

THE DISSENTING OPINION. We print elsewhere in full the opinion of Justice Bradley of the United States supreme court, concurred in by Justices Gray and Lamar, dissenting from the decision of the court in the Minnesota cases. It is worthy the careful attention of all interested in the Important question involved as a clear and strong argument in support of the right of a legislature, or of a body created by the legislature, to fix rates of transportation, and in denial of the proposition maintained in the decision of the court, that the question of the reasonableness of the rate of charge for transportation is under all circumstances a question for judicial investigation, requiring due process of law

for its determination. The basic proposition of this dissenting opinion is, that a railroad chartered by the state becomes an agent of the state for the performance of a duty which belongs to the state itself, namely, that of furnishing public accommodation and providing means of intercommunication between one part of its territory and another. It is devolved upon the legislative department to carry out this duty, and if instead of the state building its railroads, which it might do if it saw fit, the legislative department commissions private parties to perform the duty, it is the prerogative of that department to fix the fares and freights which such private parties, whether corporations or individuals, shall charge for their services. On the same principle that a legislature may fix the tolls to be paid by those who use a road or canal it may fix charges for transportation by a company chartered to carry on public transportation.

The opinion holds that the question of a reasonable charge is pre-eminently a legislative one, involving considerations of policy as well as of remuneration. When the legislature fixes a maximum of charges the courts cannot interfere if this maximum is not exceeded, and it is only where the legislature merely declares that rates shall be reasonable, where what is reasonable is left open, that the courts have jurisdiction of the subject. It is the prerogative of the legislature to declare what is reasonable, but if it fails to exercise this right, leaving the matter to be determined by the common law rule, then only does the question of a reasonable rate become one for judicial investigation. The final tribunal of arbitrament, say the dissenting justices, is the legislature, unless the law makes the question a judicial one by simply prescribing that charges shall be reasonable and leaving it there. It being the right of the legislature to fix rates, the dissenting justices see no good reason why it tained. might not delegate the duty to a board of commissioners,

The opinion is a strong and logical assertion of the right of the states to regulate transportation charges, and is distinctly in line with previous decisions of the supreme court involving this question. The constitution of Nebraska provides that "the legislature may from time to time pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on the dollerent railroads in the state." Doubtless a like provision is in the constitutions of most or all of the states The authority thus given the legislature is, however, rendered only provisional heartier or more steadfast interest in by the decision of the United States su-

ter that his threat could not be question of reorganization, but the re-safely ignored, and that the officer ports do not indicate that the desired charged with guarding the person of the justice was properly authorized to do what he did. Public opinion very generally adopted this view at the time of the killing of Terry. But as to whether Neagle should be acquitted by federal authority or answer for his act in the state courts there was diversity of

opinion, and this will not be changed by the decision of the supreme court. The court holds that Justice Field, when traveling to perform the duty imposed upon him by law, was just as much in the discharge of that duty as while sitting in the court

and trying cases. Chief Justice Fuller and Justice Lamar, in their dissenting opinion, say that they think there was nothing whatever in the fact of Justice Field's official character in the transaction, and therefore the United States courts have no jurisdiction in the premises. The dissenting judges say that on the showing of the facts the personal protection of Judge Field, even to the death of Terry, was right and

the duty of Neagle or any other bystander, but that he was anwerable for the exercise of that right or duty to the courts of California and to them alone. The decision of the court holds that the act was done in pursuance of the laws of the United States and with proper authority, and that the federal circuit court was as competent as any other tribunal to ascertain this, so that there was no occasion for any further trial in a state court and no necessity for empaneling a jury to ascertain whether the act was in pursuance of the federal

laws and under proper authority. There may never occur another case similar to this, and perhaps there is no danger to be apprehended from this decision, but it must be confessed that it takes a latitude which conservative judgment must hesitate to approve. It is conceivable that this case might become a very troublesome precedent, for the principle enunciated in the decision of the court may be made applicable to any government official when engaged, actually or constructively, in the performance of his duty. The argument of the court is certainly ingenious and the position taken will doubtless be very generally approved, because the sentiment is universal in favor of properly protecting officers of the government, and particularly the judiciary. But that the decision reaches beyond the legitimate powers and rights of the government, and assumes a federal prerogative for which there is nowhere any warrant, we do not doubt can be successfully main-

THE reception given General RussellA. Alger, commander-in-chief of the Grand Army of the Republic, in Omaha, at-

tested the popular regard in which he is held, and particularly the esteem of the old soldiers. Nebraska is a soldier state, having in proportion to population more men who served in the union armies than perhaps any other state, and representative veterans were unusually numerous in Omnha yesterday, many of whom paid their respects to their distinguished comrade and commander, Among the volunteer officers of the army General Alger made a most honorable record, and no man has shown a

result is any nearer than at any time since it was first talked of. ALL statistics collected by the census bureau relative to population, wealth and debt will be the basis for all commercial

directories for the next ten years. It is important, therefore, that state and local authorities should aid the bureau in securing" accurate information. Schedules have been forwarded to every county for the purpose of securing official statistics of wealth, debt and taxation, which will be given a place in the

eleventh census. The trifling cost involved in complying with the request is overbalanced by the benefits resulting from an official financial record in what will be the reference book of the nation.

THE efforts of the local medical association to induce the national medical congress to meet in Omaha deserve the cordial co-operation of all professional and business men. The fact that Omaha is a healthier city than a majority of the boasted health resorts is a strong argument in its favor. The advantages of a congress of twenty-five hundred members should not be lost for the trifling sum necessary to receive and entertain them.

THE board of trade junket will cost the members one hundred dollars each. This money could be more advantageously used in making the nucleus of a fund to stimulate manufacturing enterprises.

JUDGE GROFF puts a quietus on the visionary scheme of transfusion to the South Platte and loading him with gubernatorial and senatorial honors.

Secretary Proctor's Plan. Chicago News.

Secretary Proctor wants to add an Indian regiment to the army. Doubtless the secretary has been impressed by the martial bearing of the various wooden tobacco signs of his acquaintance.

Don't Apply to Privates.

St. Louis Globe-Democrat, "A temporary loss of self-control" is the mild definition given by General Schofield to the offense of Lieutenant Steele. But when a private soldier ventures to resist official tyranny they call it a grave crime and send him to prison.

The Snub to Salisbury.

New York World, The effort of Lord Salisbury, premier of England, to enter the Casino at Monte Carlo without a ticket is Indicrous in its various aspects. Why a prime minister should insist upon dead-beat courtesies in a remote locality is not apparent. Salisbury received the rebuke he deserved.

A Leading Crime Center.

Bufalo Courier. Buffalo just now leads the procession in criminal matters. Kemmler, a Buffalo murderer, is the first case under the electrical execution law, and the treasurer of the Buffalo Press club the first under the new extradition treaty. The treaty went into effect last Friday and the treasurer went out of the country Saturday.

What Roused Boston. Kansas City Times.

New England could stand the tax on hides but when it was proposed to put a tariff or beans a howl went up from Boston that echoed in thunder tones through the corridors of the national capital. Over a hundred years ago New England was willing to fight against a

tar and feathers, for forcibly kissing a respectable young lady of his flock against her will. A Kingsley woman left her husband the

other day, taking with her a span of mules. The bereaved husband offers a reward of \$10 for the return of the mules.

The new law for the mules. The new law for the protection of fish in lowa waters is now in force and the profes-sional fisherman must be on his guard and not violate its provisions. A penalty attaches to the taking of any bass, pike, cropples or any other game fish between November 1 and May 11, in any manner whatever. Builheads and suckers can be taken at any time and in and suckers can be taken at any time and in any way.

The farmers of Johnson county do not inthe farmers of Jonnson county do not in-tend to submit to the extortions of the twine trust, and are making a move to procure their binding twine at lower prices and help out home industry at the same time. A largo meeting of the farmers of the county was held at Iowa City the other day, when a com-mittee was appointed to take definite action in the establishment of a co-operative twine factory at that place factory at that place. A party of hunters, while in the woods near

Harper's Ferry, Allamakee county, the other day found under some brush a human skull, and by its sale a blood-stained knife. Search was made for the remainder of the body, but it could not be found. There is no clue as to the identity of the victim, the head being decomposed beyond recognition. It is thought the head was severed from the body and the latter thrown into the river.

A curious accident was witnessed by two Alton citizens the other day. They were re-moving some furniture in a wagon from that place to Sloux Center when a thunderstorm came up. They had noticed an eagle flying quite high in the air, and while watching it a bolt of lightning suddenly struck the bird and it fell to the ground. The shock knocked their team to the ground and jarred them up considerably, but a few minutes afterward they found the eagle lying on the ground its they found the eagle lying on the ground, its left wing almost torn off. With the exception of the injured wing, the bird was not seriisly hurt, and was captured alive and taken to Alton, where it was presented to the editor of the Democrat.

A small boy's desire for fish came very near costing three lives at Ida Grove a few days ago. The boy attempted to climb along an iron shaft extending to the wheelhouse of the mill, when he missed his hold and fell into the river. In an instant he was sucked under by the eddies at the dam. Seeing the boy's helpless position W. J. Scott plunged into the seething current and seizing the child attempted to get him ashore, but was as help-less in the swift current as the child, and both went under. C. S. Hoyt, throwing off his cost, plunged in and was up with them when the two came up. Seizing the boy the two men struggled to reach the shore, but the cross currents and eddles were too power-ful and all mass method under the two the ful and all were sucked under in a bunch. By this time Frank Hilliard secured a pole and reaching it to them when they came up the third time was enabled to pull them ashore. The boy was nearly lifeless and it required active work for twenty minutes to resuscitate him. Citizens of Ida Grove are loud in their praise of the manly courage of the two gentlemen who so nobly risked their lives.

Tke Coast and Northwest. Twenty ladies voted at the school election

in Anaconda, Mont. Over \$8,000 worth of postage stamps were sold last year at Boise City, Idaho.

Butte's new electric light company has commenced business with 600 lamps.

Over \$4,000,000 worth of real estate has

changed hands in Seattle since January 1. Aunt Peggy Barnes, a colored woman Petaluma, Cal., is said to be 105 years old.

An athletic association has been organized at Helena, Mont., with a capital stock of \$6,000.

The ground on which Helena, Mont., is built yielded \$30,000,000 in gold when it was

The 300 Chinese vegetable dealers at Los Angeles have formed a trust to control the business

An artesian well on Charles Smith's farm near Anaheim, Cal., is constantly throwing out small fish. Governor Shoup of Idaho has issued a pro-

clamation designating Monday, the 28th inst., as Arbor day.

Butte is making a heroic effort to raise a fund for the maintenance of a baseball team in that city this season.

It is said that the sheriff's office in Deer Lodge and other populous Montana counties is worth \$20,000 annually. Three Angora goats owned by Mr. Hicka-

thier of Drain, Orc., were sheared recently whose fleeces weighed 195 pounds.

The loss of cattle on Snake river, Idaho, has

A LEGISLATIVE PREROGATIVE accordance with due process of law in creating such a board, and investing it with the powers irrquestion. It is complained that the decisions of the

It is complained that the decisions of the board are final and without appeal. So are the decisions of the courts in matters within their jurisdiction. There must be a final tribunal somewhere for deciding every ques-tion in the world. Injustice may take place in all tribunals. All human institutions are imperfect—courts as well as commissions and legislatures. Whatever tribunal has jurisdi-tion, its decisions are final and conclusive un-less an appeal is given therefrom. The im-portant question always is, what is the lawful tribunal for the particular case! In my indiz-ment, in the present case, the proper tribunal Shall Courts Determine the Reasonableness of Fixed Charges. A QUESTION OF TRANSPORTATION.

Dissenting Opinion of Justice Bradley, Who Holds That the State Legislatures Alone Have That

The following is the dissenting opinion of Justice Bradley, concurred in by Justices Gray and Lamar, from the decision of the United States supreme court in the Minne sota cases:

The Chleago, Milwankee & St. Pani railway company, plaintiff in error, vs. the state of Minnesota ex rel. the Railroad and Ware-house commission of the state of Minnesota. In error to the supreme court of the state of

Minnesota. The Minneapolis Eastern rallway company, plaintiff in error, vs. the state of Minnesota exrel, the Rallroad and Warehouse commis-sion of the state of Minnesota. In error to the supreme court of the state of Minne-sota

Mr. Justice Bradley dissenting: I cannot agree to the decision of the court in this case. It practically overrules Munn vs Illinois (94 United States 113) and the several railroad uses that were decided at the same time. The governing principle of those cases was that the regulation and settlement of the fares of railroads and other public accommodations is a legislative prerogative and not a judicial one. This is a principle which I re-gard as of great importance. When a railroad company is chartered it is for the pur-pose of performing a duty which belongs to the state itself. If is chartered as an agent of the state itself. of the state for furnishing public accommoda-tion. The state might build its railroads if it saw fit. It is its duty f it saw fit. It is its d nd its prerogative to provide means intercommunication between one part of territory and another. And this duty is volved upon the legislative department. If the legislature commissions private parties whether corporations or individuals, to per to perform this duty, it is its prerogative to fix the fares and freights which they may charge for their services. When merely a road or a canal is to be constructed, it is for the legislature to fix the tells to be paid by those who use it; when a company is chartered not only to build a road, but to carry on public trans-portation upon it, it is for the legislature to fix the charges for such transportation. But it is said that all charges should be rea

sonable, and that none but reasonable charges can be exacted; and it is urged that what is a reasonable charge is a judicial question. Or the contrary, it is pre-eminently a legislative one, involving considerations of policy as well as of remuneration; and is usually determined by the legislature by fixing a maximum of charges in the charter of the company, or afterwards, if its hands are not tied tract. If this maximum is not exceeded the courts can not interfere. When the rates are not thus determined they are left to the dis cretion of the company, subject to the ex-press or implied condition that they shall be reasonable; express, when so declared by statute; implied by the common law, when the statute is silent; and the common law has

at rates which it deems reasonable, or merely declares that they shall be reasonable, and it is only in the latter case, where what is reasonable is left open, that the courts have jurisdiction of the subject. I repeat: When the legislature declares that the charges shall be reasonable, or, which is the same thing, allows the common law rule to that effect to prevail and leaves the matter there, then re-sort may be had to the courts to inquire judicially whether the charges are reason-able. Then, and not fill then, is it a judicial question. But the legislature has the right,

This is just where I differ from the majority of the court. They say in effect, if not in terms, that the final tribunal of arbitrament is the judiciary; I say it is the legislature. I hold that it is a legislative question, not a ju-dial one, unless the legislature or the law, (which is the same thing), has made it judi-cial, by prescribing the rule that the charges shall be reasonale, and leaving it there. It is always a delicate thing for the courts to rule and the rule that the charges

they may at any time restrain them by constitutional limitations. But so long as they remain invested with the powers that ordinarily belong to the legisla-tive branch of government, they are entitled to exercise those powers, amongst which, in my judgment, is that of the regulation of rail-roads and other public means of intercom-munication, and the burdens and charges which those who own them are authorized to impose upon the public. I am authorized to say that Mr. Justice Gvay and Mr. Justice Lamar agree with me in this dissenting opinion. March 24, 1890. DECLARED A SPENDTHRIFT.

hands

A Guardian Appointed for One of the High Nobility of Vienna.

Copyright 1890 by James Gordon Bennett.] VIENNA, April 15.- New York Heraid Cable-Special to THE BEE.]-A profound sensation has been caused in society circles by the announcement in the official court gazette this evening that Prince Charles TrautImansdorf, the celebrated turfman and crack piecor shot, so well known for his exploits, has been

ment, in the present case, the proper tribunal was the legislature, or the board of commis-sioners which it created for the purpose. If not in terms, yet in effect, the present cases are treated as if the section. Power. If not in terms, yet in effect, the present cases are treated as if the constitutional pro-hibition was, that no state shall take private

property for public use without just compen-sation -- and as if it was our duty to judge of sation and as if it was our dury to make in the compensation. But there is no such clause in the constitution of the United States. The fifth amendment is prohibitory upon the federal government only, and not upon the state governments. In this matter SUPREME COURT OF THE UNITED STATES.

upon the state governments. In this matter -just compensation for property taken for public use—the states make their own regi-lations, by constitution or otherwise. They are only required by the federal constitution to provide "due pro-cess of law." It was alleged in Davidson vs New Orleans, that the property assessed was not benefitted by the improve-ment; but we held that that was a matter question was, whether there was due process

question was, whether there was due process of law. (98 U. S. 106.) If a state court ren-ders an unjust judgment we cannot remedv it. I do not mean to say that the legislature, or It do not mean to say that the legislature, or its constituted board of commissioners, or other legislative agency, may not so act as to deprive parties of their property with-out due process of law. The constitu-tion contemplates the possibility of such an invasion of rights. But, acting within their jurisdiction, (as in these cases they have done) the location should be desc they have done,) the invasion should be clear they have done.) the invasion should be clear and unmistakable to bring the case within that category. Nothing of the kind exists in the cases before us. The legislature, in es-tablishing the commission, did not exceed its power; and the commission, in acting upon the cases, did not exceed its jurisdiction, and magnet chargeaple with fraudulent behavior. was not chargeable with fraudulent behavior. There was merely a difference of judgment as to amount, between the commission and the companies, without any indication or intent on the part of the former to do in-justice. The board may have erred; but if they did, as the matter was within their rightful jurisdiction, their decision was final and conclusive unless their proceedings could be impeached for fraud. Deprivation of property by mere arbitrary power on the part of the legislature, or fraud on the part of the

or the registratice, or train on the part of the commission, are the only grounds on which judicial relief may be sought against their action. There was, in trath, no deprivation of property in these cases at all. There was merely a regulation as to the enjoyment of property, made by a strictly competent au thority, in a matter entirely within its juris diction. It may be that our legislatures are invested with too much power, open as they are, to in fluences so dangerous to the interests of Indi viduals, corporations and society. But such is the constitution of our republican form of government; and we are bound to abide by it intil it can be corrected in a legitimate way If our legislatures become too arbitrary in the exercise of their powers, the people al

ways have a remedy in their effect by virtue of the legislative will. Thus the legislature either fixes the charges

and it is its prerogative, if it chooses to ex-ercise it, to declare what is reasonable.

FORT SIDNEY, Neb., and Fort Bridger. Wyo., are among the number of military nosts to be abandoned this year. The concentration of the Indians and the reduction of reservations have completely altered the conditions which formerly required an extensive chain of posts on the frontier.

THE Beatrice Democrat, already one of the brightest little dailies in Nebraska, evidently contemplates further improvement and has passed from a private concern to a corporation. Dr. Marvin will continue in editorial control and advocate democracy and the speed ring in opposition to republicanism and agriculture.

FEW men in the state are as well equipped as Robert W. Furnas for a place on the world's fair commission. His experience as manager of the Nebraska exhibit at New Orleans, and his successful labors as secretary of the state board of agriculture, eminently qualify him for the duties of a position where he can render invaluable service to the state and nation.

It is as much as life is worth in Oklahoma to carry about the person anything bearing the monetary stamp of the government. The country is overrun with thieves and crooks, robberies are common in daylight and darkness, and the business of mound building is progressing rapidly in the cometeries. A score of active, experienced vigilantes could put in sixty days' work in that section with satisfaction to themselves and profit to the country.

THE Hon. Jesse Spalding has made some wonderful discoveries during his pilgrimage over the Union Pacific at the expense of that road. With the zeal and enthusiasm of a born explorer, he hastens to relieve the suspense of the public by publishing an exhaustive report of his observations through the plate glass windows of a drawing room car. It was not necessary that Mr. Spalding should see everything. A ripe imagination coupled with a liberal stock of saccharine, makes up the deficit.

DEATH has dealt severely with members of the present congress. Five democrats and four republicans have been called hence. Of this number three were men of superior mould, distin- case, affirming the judgment of the cirguished for honesty, ability and statesmanship of high order. In the demise Neagle, under habeas corpus proceedof Cox, Kelly and Randall the nation has lost three of her most gifted and patriotic sons, whose life and labors are would hold that it was the duty of the as beacons in a sea of political selfishness, and models of public and private tions to emulate.

eme court, which in effect makes the judiciary the final arbiter in the regulation of fares and freights of railroads and the charges of other public accommodations. It is hardly possible that this assumption of authority on the part of the judiciary will be accepted as a settled and permanent principle.

A SPIRIT OF CONCESSION. The disposition manifested among the

silver men in congress to effect a compromise of their conflicting views is the most promising fact in the situation reported for some time. The free coinage advocates have been the aggressive element, and it would seem that they have finally seen the wisdom of accepting legislation which would give the silver interest all it can possibly get except the

profits of coinage. The dispatches report that the basis of the agreement reached is the Windom bill as amended by the house committee on coinage, with a few additional provisions desired by the extreme silver men. This measure provides for free coinage whenever the market price of silver shall reach one dollar for three hundred and seventy-one and one-quarter grains. If the anticipations of the

silver men are verified this price would be soon" reached after the bill went into effect. The senate silver committee want the notes issued against silver bullion redeemable in bullion or lawful money. This is opposed by the secretary of the treasury, who thinks the notes should be redeemed only in bullion. The senate committee also proerty is not less than two hundred milposes to allow national banks to issue notes to the par value of their bonds delions. posited to secure circulation and to release the hundred million dollars

retained in the treasury for the redemption of treasury notes. The proposition regarding the banks will probably encounter serious objection, and the advisability of releasing the coin held to redeem the legal tender notes

will be questioned. However, the really important matter s for the silver men of both houses to agree upon a plan which they will all stand by, and for which the support of the president is assured, and then with as little delay as possible pass the measure. There is no sound reason why this question should be a source of prolonged agitation and conflict. The promise of early action appears more gress assembled.

THE NEAGLE DECISION. There will probably be no general surprise at the decision of the supreme court of the United states in the Neagle cuit court of California in releasing ings, from the custody of the sheriff. It was generally expected that the court government to provide protection for Justice Field in view of the fact that

equently holds a very high place in their respect and confidence, and everywhere is received by them with the utmost cordiality. His tour has so far been a series of most enjoyable meetings with the veterans, and of hearty evidences of popular respect, and nowhere has he been received with greater

the welfare of the old soldiers. He con-

cordiality than in Omaha.

COMPARING the Chicago of 1861 with Omaha of today the Chicago Tribune does Omaha an injustice by quoting from the assessed valuation of property to prove that the city has but seven dollars and seventy cents worth of property for every dollar of indebtedness, while the ratio in Chicago in 1861 was a fraction over fifteen to one. The system of assessing property in Omaha and Nebraska is responsible for the misleading figures which are being quoted to the detriment of the city and state. The assessed valuation of Omaha for 1890 is twenty million dollars, or about one-tenth of its actual value. A sample of this outrageous system of assessment is shown in the fact that within ten days one hundred and twenty thousand dollars was refused for a Sixteenth street corner lot which is assessed for tax purposes at the insignificant sum of eight thousand dollars, Notwithstanding the fact that eight million dollars were invested in building improvements in 1889, there is an actual decrease in the total assessed valuation compared with the figures of the previous year. The truth is that the actual value of Omaha prop-

A PROHIBITION organ in the interior of Iowa exhibits an appalling density of ignorance in asserting that Omaha is one of the worst cities in the country for streets and sidewalks," even though it has "high license and plenty of

saloons," The truth is that Omaha is the best paved city in the union for its size, having fifty-one miles of paved streets and four hundred miles of sidewalks, High license has no connection with the street "improvements, the money derived from that source going into the school fund. It has, however, given Omaha the best system of regulated liquor traffic. It has placed the business under rigid police control. It has given the city law and order and revenue as favorable than at any time since con- against outlawry, free whisky and higher taxes in the cities and towns of Iowa.

THE efforts of the railway magnates to 'get together" only result, it would

seem, in driving them farther apart. It was expected that the agreement so carefully drawn by Chairman Walker for the reorganization of the Interstate Commerce railway association would certainly effect that object, but it was found impossible to induce certain of the roads that had thrown off the association yoke to put it on again. Since then rectitute for this and coming genera- his life had been threatened by a man phases, and another meeting was held known to be of such desperate charactax on a less popular commodity than beans.

STATE AND TERRITORY. Nebraska Jottings.

Aurora is sure to have an opera house this enson. Benkelman wants an agricultural imple ment house

Twenty-five hundred head of Texas cattle are to be shipped into Chappell. The Frontier county teachers' association

will meet at Stockville May 2 and 3. Whitney boasts of the only Catholic church building in Dawes county ouside of Chadron. The annual ministerial meeting of the Chadron district will be held at Valentine May 6, 7 and 8,

There will be a contest of gentlem roadsters at the association grounds at Cor-dova early in July. J. Brenner, a Union Pacific brakeman, was

badly injured in a wreck at Columbus, caused by a freight train breaking in two. The "Johnstown Horror," a Shickley character, has been forced to skip the country after rotton egging a fellow citizen. The farmers of western Sheridan county to the number of 200 have put up \$10 apiece to erect a grain elevator at Hay Springs.

Mrs. Dickey, matron of the Franklin icademy, was found dead in bed Sunday evening. She had been in good health all day and attended church in the morning. Mrs. Chris Grover of Valley, who recently

gave birth to a son, has become will probably be necessary to confine her to an E. E. Brown has became the owner of the

Alma Tribune again by foreclosing a mort-gage on the plant, and Brown & Moore are out.

. Two boys were bitten by mad dogs at Beaver City the other day. They have been treated with a madstone and no bad results are anticipated. Nuckolls county will be a veritable flax field

the coming year, says the Hardy Herald. If the crop and price are fair another season look out for diamonds down this way

There are 168,880 acres of improved land in Custer county, assessed at \$355,946, or an average of \$2.10 per acre; and 565,242 acres of unimproved land, assessed at \$135,635, or an average of \$1.12 per acre.

Rev. Father O'Reilly, now stationed at West Point, has been appointed pastor of the Catholic churches at Albion and Fullerton. Father Halvenburg of Louisville, Ky., will take up the work at West Point.

The Benkelman Republican tells this: Reports from Tuesday's storm say that nearly everything made of steel was heavily charged with electricity. Jeanie Remaley, in catch ing hold of a knob on a stove door, received a severe shock. Henry Myers of Hiswatha told of one of his neighbors who, in picking up a piece of fence wire, received a shock that nearly prostrated him. Several other instances are reported where persons, in touching metal, were quickly admonished by electricity to release their hold.

lowa Items.

There are fifteen branch alliances in Clay ounty.

A well is being pat down at Algona to furnish the city with water. The contract for building the new Franklin county court house has been let for \$41,200.

Bert Alger was shot and instantly killed by his brother while hunting ducks near Ruth ven.

A member of the Pocahontas county grand jury paid \$10 and costs for being drunk and disorderly. An effort is being made to secure the re-

ral of the Milwaukee round houses and shops from Samborn to Everly, Over one hundred ministers will attend the

meeting of the state synod of the Dutch Re-formed church in Orange City in May.

At the conference of the Latter Day Saints amoni it was decided to build a college and a committee of seven was appointed to receive bids for location.

been greatly exaggerated. Competent judges say it will not exceed 20 per cont.

A twelve-year-old Spokane Falls boy was carried over the falls the other day on a raft thich he had constructed and was dashed to death

Hunters are slaughtering deer for, their skins near Lake Chelan, Wash. The deer are poor and the snow is so deep they are slaughtered by the wholesale with clubs.

The cards announcing the funeral of the late George Hammond of Phillipsburg bore this curious legend: "The pioneer, like the Indian and buffalo, must go. Requiescat in peace." Captain George, the leading chief of the Piutes, died at Paradise valley, Nevada, re-cently. He has ever been the unflinching friend of the whites, and was quiet and peace-

Ed Calvert of Race Track, Deer Lodge ounty, Montana, owns a cow that last week dropped a calf with a perfect jack rabbit's head. Mr. Calvert says if the calf lives, he believes the head will turn perfectly white. The fall of snow this winter in the range just south of Anaconda, Mont., has been ex-ceedingly heavy. A resident of German guien has measured each fall during the winter and it figures up seventeen feet and four inches. The famous old California mine of Nevada district, in years gone by one of the leading quartz properties in Nevada county, is again coming to the front, and bids fair to surpass its earlier record as a gold producer. The mine is to be worked on an extensive scale. The

ay performances there are interrupted by ie opera glass and peanut fiends, says the Salt Lake Tribune. It is rather embarrass-ing, to say the least, to a sentimental passage, instance, just as the heroine ga "Dearest, say you love me!" to hear that wild, arbaric yawh from under the gallery, "Peanuts ? "Opera glasses! Now's yer last chance !!!

at up to Trinity lakes, twelve miles from this town, and brought over 100 pounds o fine mountain trout, which they readily sol 50 cents per pound, says the Rocky Bar aho) Bulletin. After shoveling ten or (Idaho) Bulletin. After showeding ten or twelve feet of show and cutting through several feet of ice, they were kept busy hook-ing the speckled beauties until they had se-cured all they wished to pack on their backs. From information from the most reliable ources from various parts of Montana it appears that the live stock industry is in a very flourishing condition. The loss during the past winter has been very small, and among native range stock scarcely anything at all. All the large herds on the Yellowstone, Sun river, Teton, Marias and Judith Basin are almost intact, and the increase this year will probably be greater than ever before Th spring is opening up fine, and the chances for mmense shipments of beef cattle during the summer and fall are very favorable

The Lewis School Bequest.

onableness of fares and freights, which egislative committee has. It might, or CHICAGO, April 15.-|Special Telegram to THE BEE. |-Hugh White, one of the trustees of the Lewis school bequest, regarding which inquiry was made from Omaha, said the delay in establishing the school was due solely to the difficulty in procuring a suitable site. "That at Union and Randolph streets will not do," said he. "There are only 125 feet front-age and a depth of 160 feet. We will more than likely sell that property and buy other. The fund has amounted to \$500,000 for a year. As soon as we get a proper site we will ind. In two or three weeks we will know ething definite. Mrs. Newton, the Omaha lady who wrote

to Chicago concerning the institute, is the principal of the Castellar street school. Her

The Squadron in Europe.

[Copyright 1836 by James Gordon Hennett.] Consv., April 15.-[New York Herald Cable-Special to THE BEE.]-The Atlanta and the matter has been discussed in all its phases, and another meeting was held in Chicago yesterday to consider the

to make an issue with the legislative depart-ment of the government, and they should shot, so well known for his exploits, has been judicially declared a spendthrift and placed under the guardianship of his nucle. The prince is forty-five years old, with vast es-tates in Bohemia, and in fact in every prov-ince of the empire. His income is estimated at 500,000 florins. The prince always had a magnificent racing stable and in his betting was favored by fortune and is understood to have cleared large sums. Last December he never do so if it is possible to avoid it. By the decision now made we declare, in effect, the decision how made we declare, in effect, that the judiciary, and not the legisla-ture, is the final arbiter in the regulation of fares and freights of railroads and the charges of other public accommodations. It is an assumption of authority on the part of the judiciary which, it seems to me, with all due deference to the fudgment of my brethren, it has no right to make. The assertion of invisidition by this have cleared large sums. Last December he lost at the Jockey club in one evening at bac-carat 900,000 florins. He then bought a large make. The assertion of jurisdiction by this court makes it the duty of every court of gen number of options in spring wheat and March cercals, which going down caused a losss of 15,000,000, and in fact he could not eral jurisdiction, state or federal, to entertain complaints against the decisious of the boards of commissioners appointed by the states to regulate their railroads; for all courts are have settled with the promptness which the exchange demands had not his brother-inbound by the consitution of the United States, the same as we are. Our jurisdiction United is merely appellate. The incongruity of this position will appear distinctly by a reference to the nature of the

was one relating simply to the reasonableness of the rates charged by the companies—a question of more or less. In the one case the

company charged 3 cents a gallon for carrying

milk between certain points. The commission deemed this to be unreasonable, and reduced

the charge to 2% cents. In the other case the company charged \$1.25 per car for handling and switching empty cars over its lines within the city of Minneapolis, and \$1.50 for loaded cars; and the commission decided that

mission, and that its determination

at the state court was right, and the estan-

lishment of the commission, and its proceed-ings, were no violation of the constitutional prohibition against depriving persons of their

lature might have fixed the rates in question

one could have said that this was not due pro-cess of law. And if the legislature itself

as to be equal and reasonable. Such a board would have at its command all the means of getting at the truth and ascertaining the rea-

could do this, acting by its committee

law, Markgraf Pallavicini, come generously to his assistance. He is a most popular mem-ber of the high nobility, and his misfortunes are generally regretted. cases under consideration. The question pre-acuted before, the commission in each case

Fort Leavenworth Notes. FORT LEAVENWORTH, Kan., April 15 .-Special to THE BEE. |-Second Lieutenant W. H. Baldwin, Seventh cavalry, has been granted four months' leave of absence.

First Lieutenant John H. Peshine, Thir teenth infantry, has been granted a leave of

General McCook, post commander, has is-sued the following order: "Hereafter, com-manders of mounted organizations will see that their horses do not travel the roads bo dering the parade ground when it is not necessary.

\$1.00 per car was a sufficient charge in all cases. The companies complain that the charges as fixed by the commission are unreasonably low. Lieutenant Colonel George B. Sanford. and they are deprived of their property with and they are deprived of their projects, out due process of law, that they are entitled to a trial by a court and jury, and are not barred by the decisions of a legislative com-Ninth cavalry; Major Jacob Kline, Twenty-fourth infantry; Captain C. A. Woodruff, Second artillery; Captain J. M. Sanno, Sev-enth Infantry; Captain J. G. D. Knight, barred by the decisions of a legislative com-mission. The state court held that the legislature had the right to establish such a comcorps of engineers, and Second Lieutenant James B. Aleshire, have been appointed to ex-amine student officers the infantry and cavalry binding and final, and that the courts cannot schoo review them. This court now reverses that decision, and holds the contrary. In my judg-

All theofficers at the fort, as well as Chaplain McCleary's countless friends in the city, are greatly pleased that the order removing him from the military prison to Fort Assina-bolne, Mont., has been revoked and that the reverend gentleman will stay, Captain Charles A. Coolidge, Seventh in-

property without due process of law. I think it is perfectly clear, and well settled fantry, has been granted twelve days' leave by the decisions of this court, that the legis If it had done so, it would have done through the aid of committees appointed t

The following order has been promulgated from post headquarters: At gallery practice and on the range, commanders of organiza-tions will see that men on duty in the past investigate the subject, to acquire informa-tion, to cite parties, to get all the facts before them and finally to decide and report. No anteen five and return as soon as practicable after reportie

Captain J. W. Norville, Twelfth infantry, has been ordered to report at Fort Leaven-worth for examination before an examining rough do this, acting by its committees, and proceeding according to the usual form adopted by such bodies. I can see no good reason why it might not delegate the duty to a board of commissioners, charged, as the board in this case was, to regulate and fix the charges, so oard.

General Merritt has selected the Houser se, corner of Chestnut and Broadway, St. Louis, as the headquarters for the depart-ment of the Missouri. The removal takes place in a few weeks.

Brazil's Premium on Gold.

20

BURNOS ATRES, April 15.- The premium on gold today is \$2.11.

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night not, swear witnesses and examine parties. Its duties being of an administra-tive character, it would have the widest scope for examination and inquiry. All means of knowledge and information would be at its command—just as they would be at the command of the legislature which created it. Such a body, though not a court is a program Such a body, though not a court, is a proper tribunal for the duties imposed upon it. In the case of Davidson vs City of New Or-cans (96 U. S. 97), we decided that the ap-olutiment of a board of assessors for assess-

ing damages was not only due process of law, but the proper method for making assess-ments to distribute the burden of a public work amongst those who are benefitted by it. No one questions the constitutionality or pro-priety of boards for assessing property for taxation, or for the improvement of streats, sewers, and the like, or of commissions to es-

severs, and the like, or of commissions to es-tablish county sents, and for doing many other things appertaining to the administrative management of pub-lic affairs. Due process of law does not always require a court. It merely requires such tribunals and proceedings as are proper to the subject in hand. In the railroad com-mission cases (116 U. S. 307.) we held that a board of commissioners is a proper tribunal for determining the proper rates of fare and freight on the railroads of a state. It seems to me, therefore, that the law of Minnesota did not prescribe anything that was not in did not prescribe anything that was not in

ground.

only object in making the inquiry was to ascertain if the school had been started, as she wished to take a special course there with her daughter, and is surprised at the result of her letter.]

Patronizers of the theater are hot over the

Usher Chase and Lew Fergerson last week