

THE DAILY BEE

E. ROSEWATER EDITOR

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SWORN STATEMENT OF CIRCULATION: State of Nebraska, County of Douglas, ss. I, George B. Tschirch, Secretary of The Bee Publishing Company, do hereby swear that the actual circulation of The Daily Bee for the week ending April 4, 1891, was as follows:

Table with 2 columns: Day and Circulation. Monday, March 30, 3,334; Tuesday, March 31, 3,433; Wednesday, April 1, 3,433; Thursday, April 2, 3,328; Friday, April 3, 3,330; Saturday, April 4, 3,330.

Average, 3,330. Sworn to before me and subscribed in my presence this 4th day of April, A. D. 1891.

Notary Public.

State of Nebraska, County of Douglas, ss. George B. Tschirch, being duly sworn, do hereby certify that the actual average daily circulation of The Daily Bee for the month of April, 1891, was as follows: Monday, March 30, 3,334; Tuesday, March 31, 3,433; Wednesday, April 1, 3,433; Thursday, April 2, 3,328; Friday, April 3, 3,330; Saturday, April 4, 3,330.

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Notary Public.

SENATOR EDMUNDS' resignation will not take the New Orleans flavor out of Vermont maple sugar.

With five clerks in the city clerk's office there is no excuse for the indifference which is shown.

The death of P. T. Barnum leaves the hippodrome with no figure more prominent than our own Bill Cody.

WHAT Jay Gould refuses to say about sugar tariffs must not be construed either way so far as Major McKinley's political future is concerned.

REV. SAM SMALL is more successful as an evangelist than as an educator. Perhaps this is because he could keep all the money he made as an evangelist.

EMISSARIES OF THE CZAR have nothing particular to do nowadays, except to unarm conspiracies against the life of the sovereign. Another has been discovered.

IF HENRY VILLARD has had trouble with the Deutsche bank of Berlin, look out for a Northern Pacific revolution and another ducking for this "Napoleon of Financiers."

CONNECTICUT is rapidly losing her right to the title of "the land of steady habits." Her state comptroller refuses to allow either her governor or her secretary his salary.

PERHAPS Potawatomie county, Iowa, is willing to exchange the eastern ends of both bridges for East Omaha. In this case the supreme court need not be bothered with the controversy.

THE Thistle was beaten by the Volunteer in the famous international yacht race and that is probably the reason why its English owners sold it to Emperor William of Germany.

SENATOR PALMER appears to have opened his mouth in Chicago only to get his boot hole lodged in the aperture. This explains why he declines to talk about the Chicago election.

BOYD county is not yet in existence. The bill was passed without an emergency clause; therefore it does not take effect until June 21. Nevertheless there is a county seat fight in the brew.

One of the objects of organizing new counties is to enable the citizens to work of enthusiasm and town lots into lasting grudgets and disappointment over the location of court houses.

UNDERWOOD JOHNSON of the Century Magazine is to be presented with the cross of the Legion of Honor by the French government as an acknowledgment of his successful efforts in securing the enactment of the copyright law. This distinction is merited. Mr. Johnson was the power behind Senator Platt in the senate and Representative Simmonds in the house, which pulled and pushed that measure through congress.

JUDGING from the municipal election returns in Kansas, the late senator sought seclusion when he expressed the opinion that the alliance of that state is in politics to stay. Colonel Anthony of the Leavenworth Times is out in the alliance rain, thoroughly soaked, too, for Leavenworth elected a republican city clerk for the first time in six years. Abilene is thus far the sole relic of municipal grangerism except where the alliance people joined with democrats against the republicans.

IN DISAPPROVING the items of attorneys' fees for the independent candidates for state offices below that of the chief executive, Governor Boyd shows good hard sense. He declines to approve the appropriation for pay of his own attorney, but magnanimously allows that to his rivals. There was no good and sufficient ground of action against any of the officers elected except governor and the aspiring individuals who thought to take advantage of the independently elected and onst the men honestly elected deserve no assistance in payment of the costs of actions brought by themselves. The contestants are very properly allowed the fees. The contest was forced upon them.

THE NEW CIRCUIT COURTS.

It is reported from Washington that the justices of the supreme court have been endeavoring to formulate rules for practice in the new circuit appeal courts, but found the law to be so radically defective that they abandoned the task. It appears that a closer study of the law incident to the formulation of the rules disclosed the fact that should the law be enforced as it stands the effect would be to give to the circuit courts of appeal a field of jurisdiction much larger and more important than that retained by the supreme court. The most important cases now on the docket of the latter are those involving the interests of private corporations, and under the new law, as construed, this class of cases would be confined to the new courts, with no power of appeal. The supreme court would maintain undisturbed its original jurisdiction in admiralty matters, but business of this character forms but a small portion of the work before the court. The greater part of the business would be the disposition of a criminal case, and thus the importance of the court would be materially diminished. In view of these defects, obviously fatal to the act, the supreme court justices decided to delay action on the proposed rules and wait until congress amends the law. The act is regarded as a valuable step toward affording much needed relief and as being the groundwork for a good law, but it must undergo material changes before it can become effective, and it is impossible to say whether the next congress will be disposed to make such amendments as are required. It is also said that the lawyers who practice before the supreme court are universally dissatisfied concerning the new law, on the ground that should it be enforced it stands the dignity of the supreme tribunal will be greatly lowered, and also for the reason that the principal lawyers of the country would find their practice in the inferior courts, while the bar of the supreme court will have among its active members none but high grade criminal lawyers.

It seems most remarkable that the able lawyers in congress who discussed this act during two sessions, and who received the counsel and suggestions of other able lawyers outside of congress, should have adopted it in defective form as the justices of the supreme court are reported to have found it, and it must also be regarded as unfortunate that the justices could not have discovered the defects before the law was passed. It is their privilege to have done so. It is greatly to be regretted that so important a measure for expediting the administration of justice in hundreds of cases before the supreme court already too long delayed, should after all the effort that has been made to secure it prove a failure, for there can be no certainty that this will not be the result. It is a renewed illustration of the almost insuperable difficulty of devising any addition to our judicial system that may in any degree invade the jurisdiction or divide the responsibility of the supreme court.

RETIREMENT OF SENATOR EDMUNDS.

A public censor in the United States finds his chief reward, if conscientiously pursued in the honor it confers. To those who enter upon it and are faithful to their trust it brings arduous labor, and for such the emoluments are not in proportion to the ability and application demanded. It would be easy to name scores of men serving the people in public capacities who might very greatly advance their private interests by devoting their whole time to the cultivation of the many opportunities always open to superior ability, and which would require less wearing and perplexing toil than is now imposed on them. The case of no one among the eminent public men of today better illustrates these propositions than that of Senator Edmunds of Vermont, who after a most able and honorable service to his state and the country, covering a quarter of a century, has resigned from the senate with the understood intention to devote the remaining years of his life to his private affairs. In this period of faithful devotion to public duty he has seen the opportunities which bring affluence and ease pass to others far less able, while he has garnered little beyond the honor, with an ever-increasing burden of responsibility and labor. Now, after the best years of his life have been given to the public, with health impaired and the weight of advancing age growing more heavy upon him, this great lawyer and statesman withdraws from the arena in which he has long been a conspicuous and eminent figure and resumes his place as a plain citizen of his state and of the republic, still patriotically devoted to the honor and the welfare of both, still ready as one of the people to strive for the maintenance of "liberty, equality and justice in government," but committing to others the labor and the sacrifices which public duties demand, and of which he justly feels he has given enough.

The retirement of Senator Edmunds is a great loss to the country and to his party in congress. For years he has been recognized by men of all political affiliations as the foremost constitutional lawyer in the United States senate, and probably there will be few to question his claim to rank with any man who has sat in that body since the time of Daniel Webster. Not only has he profoundly studied the organic law of the government and everything connected with its interpretation by the highest tribunal, but the pre-eminent judicial quality of his mind gives him an authority as an interpreter of that instrument which few have possessed, and which has exerted a decided influence upon legislation and upon the decisions of the courts. As a practical statesman Senator Edmunds is less distinguished, and yet he took a large and active part in the discussion of financial and economic measures. Indeed no senator gave closer attention to all matters of legislation affecting the general welfare than he, and if he was heard less frequently than some others and his views were expressed with less elaboration and volubility, his opinions were always valuable and commanded the attention of his great abilities entitled them to.

Senator Edmunds has been a republican since the formation of the party, and has always been regarded as one of its leaders, though in the campaign of 1884 he did not give Mr. Blaine an active support. In the memorable national convention of 1880 he was the candidate of a faction and received 34 votes, and in the ensuing campaign did good service for the ticket. He was a member of the electoral commission of 1876, and exerted great influence in determining the result. His public career has been free from any reproach upon his official integrity and from any doubt of his devotion to the interests of the people and the honor and welfare of the country. His place in history will be that of a wise, patriotic and incorruptible statesman. All who honor great ability and true worth will wish him many more years of life, and the full measure of blessings he has so well earned.

AUSTRALIAN BALLOT REFORM.

Tuesday's municipal elections throughout Nebraska were held under the new election law and balloting was conducted by the Australian system. From every village and city comes evidence of satisfaction with the law. Never before have these usually interesting and often boisterous local contests been conducted with so much order. The absence of drunken brawlers and the usual electioneering excitements is a conspicuous feature of the reports of the day's doings. The expense is more than double that of the old method, but the sense of security from ward heelers and ticket peddlers and the feeling that every voter is free to express his honest preference more than compensates for this. Omaha is much interested in the success of the new law. We have here a large population dependent upon local and other corporations for employment and wages, and unfortunately another large class of voters who are offered in the market on election day to the highest bidder. The honest workman is freed from the contemptible espionage of the hirelings and the he-bro-ker are alike circumvented by the new law. The ward worker, the local boss and the man with influence for sale are all shut out of a very profitable source of income.

The elections hereafter will be honestly conducted. Fraud, intimidation and bribery are well nigh impossible. Even the vest-pocket voter whose ticket is fixed by his employer or other person cannot influence the result. The ticket to be voted must be made up at the polls, in the booth, and there it must be voted. The real test of the reform will, however, only be made when some of our nabobs enter the arena as candidates or when the moneyed powers and franchised corporations grapple with each other for supremacy. Then and not till then shall we ascertain to what extent the influence of money and promises of spoils has been eliminated from our elections. Such a contest may be waged next fall or possibly not until a year hence.

If to have contributed to the world's stock of innocent amusement, and to have furnished enjoyment to millions of people, old and young, entitles a man to be regarded as a benefactor, then the late P. T. Barnum had a high claim to that designation. For more than half a century his mission was to gladden the hearts of the people, and in this his success was greater than that of any man of his time in this or any other land. Himself the embodiment of happiness, which beamed from his face, marked his conversation, and was imparted in the cordial grasp of his hand, P. T. Barnum was a very minister of pleasure, who found his highest delight in the enjoyment of others. And he was not only the greatest of showmen. He had ability of another order, and above all he was an upright man, and a patriotic citizen. He died full of years, leaving a record of service to humanity which in its way deserves the highest commendation.

The New York Evening Post has hammered Rev. Dr. Funk of the Voice incessantly for more than a year. The worm has turned at last. The reverend editor has sued the Post for libel to the value of \$100,000. By way of explanation he says: "We have always held, as very valuable and sacred, the liberty of the press to freely discuss and criticize public affairs, business methods, and, when necessary, individuals. But this liberty may degenerate into persistent, hurtful, willful falsehood, malignant spite and persecution as to break down the sanctity that should hedge an editor and make it the duty of good citizenship to bring to bear the remedial power of the law." In view of the record made by the Voice in Nebraska for "willful falsehood and malignant spite," its editor will get very little sympathy or support in his new departure, as he calls it, in this neck of woods.

The city engineer calls attention to the importance of making early preparation for the city improvements of the season. Under the most favorable circumstances the bond election, the award of contracts and incidental red tape will delay the commencement of the work until July 1. Unless somebody or some committee makes a business of expediting preliminaries we shall drag along until September.

ATTORNEY STRICKLER was knocked out of his \$300 claim as prohibition attorney. But he has the advantage of Lamb and Edgerton. He raked in \$50 for copying the Newberry bill and drew his pay as clerk of the committee. On top of all this, Strickler has the sublime satisfaction of seeing himself in print in the Omaha Illustrated album as the author of the Australian ballot law.

THE mayor has vetoed the Ballou electric light franchise ordinance. Some of the points raised against it are pertinent and others unworthy of consideration. Nevertheless inasmuch as he has pointed out the character of a measure

which would satisfy his scruples, a new ordinance should be drafted to cover the points raised. Such a franchise would not work any handicaps upon the Ballou company if it means business. It will put the mayor and the council to the test and make both show whether or not they really favor competition in the lighting business of the city, and it will also develop whether or not the promoters of the proposed enterprise are in earnest or merely trying to secure a valuable privilege for trading purposes.

THE colored voters of the Third ward view the operation of the Australian system of voting with great interest. In the past it has been charged that these citizens have made merchandise out of their suffrages and they naturally resent it. The new system will put them above suspicion and the self-appointed leaders of Third ward voters will find their stock-in-trade confiscated by the new law.

ORDINANCES to repair Park avenue and Leavenworth streets, where express block was laid a short time ago, afford a striking illustration of the worthlessness of this material for street paving. The Bee refrains from remarking that this result was predicted at the time the cheap pavement craze and contractors captured the city.

MERELY to prevent confusion in the fruitless discussion about transferring the Pine Ridge agency to the war department, it should be remembered that Pine Ridge agency is under a military agent and a military officer is assigned to the assistance of the civil agents at all the other Sioux agencies in South Dakota.

COUNCILMAN DAVIS is sure that the lid of the Thomson-Houston company for gasoline lamps is the cheapest. Mr. Davis always has given preference to the bids of the electric lighting company, and they always have had an electrical string to Mr. Davis.

NEITHER the city clerk nor the council referred to the mutilation of the Ballou ordinance. It begins to look as if they were jointly responsible. The city clerk cannot afford to remain under suspicion, if his office be innocent.

A MEMBER of the board of education protests against the quality of coal furnished under contract. It is well. The horse is stolen; lock the door. The summer is here; we must have good coal.

GOVERNOR BOYD was very generous toward his leading competitor, John H. Powers, and allowed him the \$300 attorney fee, which the legislature had voted to each contestant.

CHAIRMAN BIRKHAUSER of the board of public works talks too much and does too little. He should bridge his tongue and institute a motion for his legs and brain.

THE dispatches announce a hitch in the interior department over the new land law rules. Hitches are not uncommon lately in the interior department.

St. ALEXANDER's phenomenal luck played him false in the municipal election at Lincoln. He went down before the citizens' candidate for mayor.

MAYOR CUSHING's chief official duty is to call the attention of the council to the carelessness and unbusinesslike methods.

THE city government needs reform through and through. It might begin by doing its business in a business-like manner.

Who is Left? Bachelors' Globe.

We understand that when the spring campaign gets fairly started, candidates will be so thick there will be no voters left.

Public Address, Public Property.

Dr. Phillips Brooks publishes a card that the reports of his Lenten addresses printed in the Churchman were made against his protest. But he has no right to protest against the report of a public address. The Churchman did right.

No Respect For Old-Timers.

Let a money bag turn up toes, or prominent member of the society, slip his cable, and everybody turns out and one would think that everybody had lost a relative, but when a poor old pioneer gets out here to the ground without audience, note or word.

And Yet it is a Prohibition State.

The two young men in Maine, who, being drunk at the time, have confessed that they joined the anti-suffrage league "just for the form of the thing," should be sternly taught that this kind of "fun," even when in the head, means punishment in great earnest, viz: the "fun" of going to state prison.

A Nifty Governor.

There has hardly been a more significant display of official nerve than is afforded by Governor Boyd of Nebraska in his veto of the bill passed by the legislature to regulate railroad charges. In view of the exhibition of popular sentiment, on his side of the house especially, it is somewhat unexpected to find the executive taking an opposite view. His home organ, the Omaha World-Herald, was exceedingly active in procuring and publishing thousands of names of petitioners to the governor to sign the bill. There has been an intensity of feeling in that state on the railroad question not known in any other state, unless Kansas is a partial exception. The defeat of the republicans was mainly due to distrust of their professions and attitudes in regard to the control of railroads. The constitution of the state empowers the legislature to fix maximum charges for the railroads, and it would seem reasonable in the judgment of the governor this requirement was not met, as the bill fixed for the maximum the lowest rate in any state of Iowa for every road in Nebraska, regardless of amount of traffic or any other consideration that comes in the estimate of value of a road. It was conceded by the advocates of the bill that it would be hard, and perhaps ruinous to some of the roads. They were expected to find relief in the courts. In his veto, the governor estimates the present value of the Nebraska roads and equipments at \$20,000 a mile which seems to be liberal, and puts the volume of traffic on the Iowa roads at four times that of those in his state. He asserts his belief that the enforcement of the provisions of the bill would bankrupt every road

in the state. But the legislature did not adopt his views, as the house passed the bill over the veto by more than a four-fifths vote, and the senate likewise. But it is not the requisite two-thirds of the bill. Its wisdom and equity are matters for consideration in Nebraska. Commendation is only designed for the display of courage by the governor in standing for his presumably honest conviction in the face of evident political expediency and menacing popular temper. For a governor who has been hanging by the gills, as it were, he must be conceded to be brave.

Gilt-Edge Must Be Rabbed Off.

College bred are declining to the newspaper bushes in this state like negroes' lips to the luscious fruit in watermelon time. They do not mention their past history in that respect, unless it is forced from them. They entered into the journalistic realm like a whirlwind of Alexanders. They were badly wanted in an attempt to describe the Best dog fight. Then they began to learn sense, and from that time on their real education commenced. They threw off the useless burden of lems andologies, theories and dreams, with which the colleges water-log the brains, and studied in earnest. They are now honored ornaments of an honorable profession. All the colleges in this world could not furnish an amount of men who has not the faculties within him. The first thing your college-bred man needs in real life is to have the egotism taken out of him, and no politician could draw it out quicker than a month's experience in a newspaper office. Then he can start and learn; but, until he does get the conceit taken out of him, he isn't fit for anything.

Dying a Ground-Swell.

Governor Boyd of Nebraska has met the issue raised by the farmers' alliance in that state, and in such a decisive manner as to leave no doubt as to where he stands on the so-called railroad monopoly. His veto of the maximum freight bill, which was passed by the legislature at the behest of the farmers' alliance shows that he is a man satisfied to make a political sacrifice for what he believes to be right rather than pander to what seems to be popular sentiment.

It is not likely that the railroad corporations have taken advantage of the Nebraska farmers, but like all measures which are intended to correct wrongs of this character, the maximum freight rate bill was a most radical and conservative measure. Should it become a law, the greatest sufferers in the end would be that class it is intended to benefit, and last, but not least, the leading lawyers of Nebraska would almost certainly in some way break on the unit in pronouncing the measure clearly unconstitutional.

Despite these objections to the bill it had a strong popular support. A large