

Maximum Rate Case. To Editor Independent: To the student of political events, it is of scientific interest to look back over the Nebraska rate case, recently decided by Mr. Justice Harlan and his associates. The railways, under mutual agreement, make and maintain rates based on all or more than the traffic will bear...

OBJECTS OF COURTS OF LAW.

For just such conditions, we have courts of law and they base their findings on that which is presented them, modified by public opinion; or, if the matter presented is not too radical to be sustained by public opinion.

It has been charged that the supreme court is in partnership with Belmont, Vanderbilt, Gould & Co., BUT THAT IS NOT TRUE. We have as much reason to charge Mr. Justice Taney with having been in partnership with the slave holders in the Dred Scott decision. In that case it was decided that the negro had no right which the white man was bound to respect, and it was upheld by the best (?) minds and property holding classes for years; and until overthrown by civil war.

Unless the situation is guarded by the public, our courts are now on the point of holding that the natural person's rights are secondary to those of the artificial person; and that will mean more than the blowing up of a Maine and impossible to quell by the bond holder, who knows he can make more reprisals by law than by war.

The fact is, that the pendulum of judicial decision, swings in the vortex of public opinion, driven by the weight of individuality in the dominant minds of private and public affairs.

That is why the commercial and paternalistic classes dominate in national affairs today. That is why we have a great and good emann in the harem of the trusts, succeeding the great vulgar tyrant at Washington instead of a statesman.

VARIOUS KINDS OF CAPITAL.

There are various kinds of capital, according to how it is created. That which is created by the hand of the toiler, is of slow growth and expands by ages as do the coral beds of the ocean. It is individualistic, and on its secretions rests the structure of human advancement and liberty.

That which is created by the mind works in the dominion of law, is paternalistic in its nature, and compared with that created by the toiler, gets something for nothing. That is why in a mixed society of capital, capital-of-the-hand is liable to be looked down upon by capital-of-the-brain, when by chance in falls into vulgar hands and conflict with law. That is a most valid reason, from public policy, why mind-made capital should be secondary to labor-made capital why semi-public functions such as railways should be hedged about by fixed rates on the postal basis; for the average railway manager is not blessed with any too much political wisdom nor business sense.

Mr. Justice Taney simply reflected, with his delegated authority as one of the great divisions of government, its public opinion.

So now does Mr. Justice Harlan in this case, say practically without noting the weight of the fifth amendment, that a railroad is a "person" (an artificial person it is true) holding property which our laws protect, secure from state confiscation by the fourteenth amendment of the constitution.

To the ordinary mind, it may appear a forced construction to couple a railway with an enfranchised negro. But the principle is there, the different

A POPULAR MISTAKE

Regarding Remedies for Dyspepsia and Indigestion.

The national disease of Americans is indigestion or, in its chronic form, dyspepsia, and for the very reason that it is so common many people neglect taking proper treatment for what they consider trifling stomach trouble, when as a matter of fact, indigestion lays the foundation for many incurable diseases. No person with a vigorous, healthy stomach, will fall a victim to consumption. Many kidney diseases and heart troubles date their beginning from poor digestion; this, nervous people are really so because their stomachs are out of gear, weary, languid, faded out women owe their condition to imperfect digestion.

When nearly every person you meet is afflicted with weak digestion it is not surprising that nearly every secret patent medicine on the market claims to be a cure for dyspepsia, as well as a cure of other troubles, when in fact, as Dr. Werther says, there is but one genuine dyspepsia cure which is perfectly safe and reliable, and, moreover, this remedy is not a patent medicine, but is a scientific combination of pure pepsin (free from animal matter), vegetable essences, fruit salts and bismuth. It is sold by druggists under name of Stuart's Dyspepsia Tablets. No extravagant claims are made for these, but for indigestion or any stomach trouble, Stuart's Dyspepsia Tablets are far ahead of any remedy yet discovered. They act on the food eaten. No dieting is necessary, simply eat all the wholesome food you want and these tablets will digest it. A cure results, because all the stomach needs is a rest, which Stuart's Dyspepsia Tablets give by doing the work of digestion.

Druggists sell these tablets at 50c per package. Little book on stomach diseases and testimonials sent free by addressing Stuart Co., chemists, Marshall, Mich.

"persons" in this case does not alter the fifth amendment which says: "No person shall be deprived of life, liberty, or PROPERTY without due process of law," which enactment was designed to protect the natural person from the rapacity of the artificial person, which principle should not be applied to commercial affairs in like manner as was in this case applied the fourteenth amendment. Neither was the Court's attention drawn to the fact that in a conflict of rights between that of the natural person and that of the artificial person the rights of the natural person are PARAMOUNT.

It could and should be shown that property is taken from the natural person without due process of law by the artificial person, or railroad, in collecting as follows:

For instance, on a car 20 tons of fourth class goods, such as groceries, to a point four hundred miles out of Chicago in Iowa on any of the trunk lines leading to Omaha, the rate is \$128. If carried on one hundred miles farther to Omaha the rate is the same. The initial and terminal cost being the same whether traveled one or a million miles, granting the shorter haul rate is reasonably low which in this case is not true, it is reasonable under the ton per mile theory that the one hundred mile further of haul or weight, should be disregarded. But suppose the car continues on west of Omaha for 190 miles the rate is then \$288 from Chicago. In other words \$200 miles of haul is disregarded in Iowa, but \$160.00 is added for 190 miles of haul in Nebraska on that car. To put it plainer, \$120.00 on every car load of fourth class goods, Chicago into Kearney, is exacted by the roads from the people without the process of law; and that principle holds good on every ton of every class of merchandise carried into the state of Nebraska west of Lincoln and Fremont. Before the passage of the inter-state commerce act, rates first class from Chicago to Omaha were made 60 cts or less by "open secret" rebate. Soon after the act of congress under agreements, the rate was made stable at 65 cts, with a lighter tonnage than now, and are now 80 cts, and Nebraska and all the trans-Missouri country pays on every hundred pounds at that rate.

And further as to rates, if the people at Kearney and in Nebraska would sustain me in enjoining the collection of any other than an average rate as outlined in my plea on the 3rd of June before the interstate commerce commission at the hearing in Chicago, we could whip the corporations on every mile of their road, before any court of competent jurisdiction. It would protect the rights of the roads, protect the public against discrimination, make the rates so reasonable as to double the tonnage and place the transportation question in conformity with the genius of our political institution.

It was proven in the lower court, before Mr. Justice Brewer, that a bucket of whitewash was a bucket of paint, and the water in the whitewash became oil in the paint, which oil became sacred under the law of contract and vested rights at a fixed income.

DENY RIGHT OF CAPITAL.

And on that point we deny the right of capital to a fixed income, whether it is expressed in the muscle and brain of labor, or in the vested or divested values, and maintain that if by the act of God, its labors are abortive, capital should to that extent work for nothing. If by a failure of crops the roads have dearth of tonnage they are not entitled to higher rates thereby because of their investment or mortgaged condition, nor because they are wealthy paupers. The forgeries in stocks and bonds that have been trotted on our artificial persons are calling for sanctification by the blood of the lamb, (abetted by numerous heretics who are looking for an opportunity to do likewise with their fellows) through masters in chancery and officials acts, until some of our roads that can be duplicated for fifteen thousand dollars for a mile calling for an income on one hundred thirty-five thousand dollars per mile.

And it is done in a discriminating way, otherwise their forgeries would eventually become acknowledged values.

The estimated tables, prepared by Mr. Dillworth of the state board, actually showed a small income for the roads than did the estimates (ESTIMATES mind you, for contrary to law, there are no complete facts compiled as to local tonnage at local rates) made and testified to by the railway officials themselves, and on those tabulations, prepared by the state's agent, Mr. Justice Brewer, had to bring his finding.

SLAP AT SECRETAIRES.

And, by the way, the secretaries of the state board of transportation always have been, and are now appointed to position for political reasons or for incompetency or both. If the salary paid to the three was paid to one man, and a fifteen hundred dollar per year rate clerk given to him, with the aid of our attorney general, as a business proposition Nebraska could make from three to five millions a year.

With all due respect to Mr. Webster, the distinguished attorney for the state in the maximum rate case, it is suggested that his client was betrayed by its trusted officials to a greater degree than was it by late state treasurer.

Nebraskans have more education and intelligence than have citizens of any other of the states in this sisterhood union. Unlike New York and other states have men of strong individuality, such as Belmont, Vanderbilt, Gould & Co., great, narrow and selfish, in the paternalism granted them, we have such minds as W. J. Bryan, Senator Allen, Governor Holcomb (whom I trust will be our next Senator) Judge Maxwell and such examples of individuality, great, broad and liberal, minds in keeping with our trans-Mississippi Empire.

Has the writer is digressing from local affairs to those national. Now to return to state matters.

USERS OF PAPER.

Our public opinion must be roused to look upon the user of a pass as one who abuses the public right. During the session of the last state legislature the writer prepared a bill regu-

lating passenger rates it called for the issue of a five hundred mile ticket at two cents per mile, good in the hands of the bearer. A card ticket is and always was good in the hands of the bearer, and there is no valid reason that a mileage book should not be good in like manner, the same as a pound of sugar or nails that have been paid for. The bill was presented to the Honorable Fred Gaylord (populist) of Buffalo county, to be put upon its passage. It was strangled in the womb of the legislative mother by such medico-legal abortionists as follow that particular calling; known to the public men of our state and printers ink need not be wasted to name them.

The ministers of our state are given half-fare permits, that they may insult the memory of the Nazarene and share in the flesh pots of extortion on such of their poor parishoners as are mulched into three cents per mile.

APPEAL TO VOTERS.

Now, my voting friends of Nebraska, when the time comes that public opinion looks upon the public man, who can not deny himself the paltry benefit of three cents per mile for what he travels, AS A ... THEN; then, can we hope to convince our law makers that all travelers should pay a lower rate and that none should travel free. There is no valid reason why contention and strife should exist between the railways and the public. No one industry or agency ministers to the advancement and comfort of civilization to a greater degree than does transportation. It was conducted as it should be—and there are many able, conscientious men engaged in that business who are willing to so conduct it—it will stand second to none.

Let each man pick the mote from his own eye, and there will be no beam in the eye of the state or federal supreme court, for we the people, who unite Gordian knots of current events with the industrious, educated knave of common sense, are the looking glass that reflects their very act.

I, GOSLIN, Kearney, Neb., March 16, 1898.

BRYAN IN ALABAMA.

Great Enthusiasm and Tremendous Ovation at Talladega.

The following description of the manner in which Mr. Bryan was received at Talladega, Alabama, last week is taken from the Sentinel, a middle of the road populist paper published at Lewisburg, Tenn. It shows that Mr. Bryan's popularity in the south is greater than ever before. The Sentinel says: "Mr. Bryan has been given a perfect ovation here. He was met at the depot by several thousand people and escorted through the little city by the local band and military. He was taken directly from the train to the residence of Hon. Cecil Browne, by whom he has been entertained during his stay here. After dinner at Mr. Browne's where he was presented to a number of prominent Alabamians, Mr. Bryan was driven to the court house where for fifteen minutes he encouraged the friends of bimetalism in the work they had so well commenced in this country. He was then driven about the city for an hour, after which he rested for several hours."

"At the assembly building of the Alabama Chautauqua tonight he was met by 3,000 people. About 2,000 of them were from this county, the remainder having come from the counties adjacent. Gadsden had six car loads full and the territory between this city and Calera had contributed several hundred persons."

"Mr. Bryan was exceedingly hoarse Saturday night. Constant speaking and a cold had contributed to make his throat sore. His speech, however, was as vigorous and as well received as usual, and the immense audience appreciated it thoroughly."

Democratic papers described the meeting as one of the greatest and one of the most enthusiastic ever known in the state.

An Army of Heroes.

It is announced that President McKinley intends to give to Fitzhugh Lee a brigade in the event of war.

Through Lee's retention at Havana by a republican administration and the cordial relations between him and a republican president, the country has already felt a rare warming of the heart and confidence in the perpetual brotherhood of Americans.

If Mr. McKinley is wise enough and generous enough to assign the gallant confederate soldier to a responsible army command, he will officially announce that the civil war is over.

He will have at his call the manhood of the south, and the response to his call will be made with the enthusiasm which creates an army of heroes. If the rivalry as to who shall do and dare the most the north must excel all history if it must exceed the south.—St. Louis Republic.

Governor Pingree issued a manifesto warning the members of the Michigan general assembly, who were called by him to meet in general session against the acceptance of free railroad tickets or passes and reminded them that a law on the statute books of that state forbids such compromising deals.

When the Prince and Princess of Wales were visiting an exhibition in London recently, on reaching the dairy department the princess remarked to the manager: "I have always heard that the best butter in England comes from Denmark. Is it true?" The manager hesitated a moment and then said: "No, your highness, Denmark sends us the best princesses, but Devonshire the best butter."

Many People Cannot Drink.

coffee at night. It spoils their sleep. You can drink Grain-O when you please and sleep like a top. For Grain-O does not stimulate, it nourishes, sweetens and beds. Yet it looks and tastes like the best coffee. For nervous persons, young people and children Grain-O is the perfect drink. Made from pure grains. Get a package from your grocer today. Try it in place of Coffee. 15 and 25c.

FIGHTING THE RAILROAD TRUST.

A Combination for the Purpose of "Obeying" the Law.

The United States supreme court last week heard the arguments in the case brought by the government against the thirty-one railroads which have combined to form the joint traffic association. The railroads were represented by Mr. James C. Carter, Ex-Senator Edmunds, and ex-Minister Phelps; the government by Solicitor General Richards. The charge against the Joint Traffic association was that its agreement for the division of otherwise competing traffic, so as to assure each road a specific share, was in open violation of the anti-pooling clause of the interstate commerce act and that the agreement fixing rates was a combination in restraint of trade forbidden by the anti-trust law. Mr. Carter, who opened the case for the railroads, insisted that unrestricted competition among them was even more injurious to the general public than to the stockholders, and declared that if the Joint Traffic agreement to make rates stable and equal to all patrons were unlawful, "all competing roads must be found daily violating a criminal law." When asked by a member of the court whether "the railroads are to be expected to disobey the law unless they are allowed to give a bond to each other to obey it," Mr. Carter replied: "It is possible to put such obligations on men that it is not possible for human nature to observe them." Ex-Senator Edmunds and ex-Minister Phelps rested the burden of their argument upon the fact that the Joint Traffic agreement was avowedly one to establish "just and reasonable rates." Mr. Edmunds said that previous to entering into this compact the roads had filed their schedules of rates with the inter-state commerce commission, and that these rates had been accepted as just and reasonable. Mr. Edmunds continued that the only combinations in "restraint of trade" forbidden by the Anti-Trust law were such as exercised an injurious restraint. Solicitor-General Richards urged in reply to all these arguments that every combination to raise rates, however little, was manifestly a restraint upon trade, such as the anti-trust law forbade, and that the Joint Traffic Association's agreement to give a central board the power to make the rates would wipe out all competition. The inter-state commerce commission, Mr. Richards pointed out, could not under the present law prescribe rates, and it was not reasonable that the railroads should be allowed to constitute a tribunal of their own with that power.

SMALL HAPPENINGS.

Mr. Sutherland has recently procured from the general land office a patent to some Webster county land that was withheld on account of some complications. Judge Gillam of Red Cloud represented the owners of the land. A proper showing was made at the general land office and a patent was issued in the name of Joseph Hill and transmitted to the McCook land office for delivery.

The Union Pacific railway company, one of the few remaining railroad corporations centering at Omaha that deferred taking stock in the Trans-Mississippi exposition, has announced a subscription of \$25,000. This brings the total amount subscribed by the railroads up to \$125,000. George Gould has promised a subscription with the Missouri Pacific "when the road's earnings will warrant it." The road is expected to subscribe at least \$10,000.

The Amazonas, the cruiser recently purchased at New-Castle-on-Tyne from the Brazilian government has been christened the "New Orleans."

War preparations continue actively in every department.

Governor Leedy of Kansas comes in for his usual share of abuse from the plutocratic press on account of his criticism in the recent supreme court decision on the maximum freight bill of Nebraska. The chief point of attack on the governor was that when the Associated Press announced a "clean victory for the railroads," he merely suggested that it seemed to him an "unclean" victory. For this he is stigmatized as a "dangerous man" whose "fool friends" should cease to follow him.

Twenty thousand people listened to W. J. Bryan speak at Atlanta, Ga., March 15, and when he referred to the war scare and eulogized the conduct of Consul General Fitzhugh Lee, unbounded enthusiasm prevailed.

Thomas E. Watson was enthusiastically nominated by the populists of Georgia for governor last Wednesday. He ought to be elected. Continued democratic supremacy in the south has proceeded in many of them, conditions similar to those produced in Nebraska by twenty years of republicanism. Mr. Watson represents the advanced progressive thought of the age. His books are authority upon the living questions of the day. His election as governor of Georgia would be a genuine victory for populism and progress.

Postmaster Tim Sedgwick. Last week Postman McKinley named Tim Sedgwick to postmaster at ...

Powderley Continued. After many months of delay the senate has confirmed the nomination of T. V. Powderley for Immigration Commissioner, all but one republican voting for, and all democrats but three, against such a step. The populists, of course, opposed an act that is a direct insult to organized labor.

Senator Stewart read a letter from Powderley written in '92, in which he expressed views diametrically opposed to those espoused by him in '96. Mark Hanna defended Powderley.

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