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GREAT MONEY POWER

J. Sterling Morton "Don't Believe There is no Such a Thing."

WHAT IT DID IN NEBRASKA

The Stealing of Witnesses of a Great Crime by the United States Courts in 1892.

The Story of a Wrong.

In a recent number of J. Sterling Morton's paper, The Conservative, Grover Cleveland's ex-secretary of agriculture in his characteristic way denies the existence of such a thing as the "money power in America. He says: "We read with wonder concerning the courage and fortitude of a game, populist editor who evades vagaries and emits groans for monetary reform in a weekly periodical at Lincoln. The amazement inspired by the brave deeds and daring devotion related of this editor loses nothing because he himself tells of his prowess and endurance and even admits that he has "fought the money power" single handed and alone one hand being tied behind him, and with one eye out and both ears deaf of the cries of scared friends who would have called him off, for more than twenty-five years.

How this valiant varlet discovered the money power, what monstrous shape the money power took on, whether it was alive and walked on two, or four feet, whether it was reptile or animal, the bellicose and garrulous old warrior does not state. But the general public is interested to know all about this quarter-of-a-century campaign against the money power."

The following paper read January 10, 1899, before the annual meeting of the Nebraska State Historical society, (of which Mr. Morton is president), by Mr. A. E. Sheldon, is at least a partial reply to Mr. Morton's inquiries, and will no doubt be of interest to many of the readers of the Independent:

A NEBRASKA EPISODE OF THE WYOMING CATTLE WAR.

April 10, 1892, a special train left the city of Cheyenne, Wyo., headed north on the Union Pacific railroad. It made a rapid run over the one hundred and forty miles of mountain and sage brush range that lie between Cheyenne and Orin junction where the Union Pacific system taps the Wyoming extension of the Fremont, Elkhorn & Missouri Valley railroad stretching from Chadron to Casper. Here a peculiar piece of railroading was done. Without any train orders and without the knowledge of the Elkhorn train dispatcher at Chadron, who controlled this line, the Union Pacific special ran out on the Elkhorn track and steamed boldly west fourteen miles to Douglas, where it stopped at the cattle yards and unloaded its cargo.

It was a curious cargo—sixty-five men with horses and equipments armed with Winchester rifle, several baggage wagons loaded with provisions, blankets, camping outfits, cartridges and dynamite. In an incredibly brief time this force was unloaded, saddled, mounted and disappeared on the trail leading north from Douglas to the Powder river cattle country. It left neither rear guard nor messenger. The Union Pacific special steamed back to Orin junction, switched to the Union Pacific track and returned to Cheyenne. The wildest rumors began to throb over the wires from Douglas to Chadron. Elkhorn railroad men knew that something extraordinary had happened, but could only guess what it might signify. Passengers arriving in Chadron declared that an army of Texas rangers with cannon and dynamite had invaded the state and won a bloody battle in the cattle country was expected every hour.

For five years conditions in the Wyoming cattle region had been tending toward conflict. Originally a few great cattle companies, representing millions of dollars of capital, had controlled the range. Then the frontier farmer and small stock men began to creep in and settle along the streams. They turned their few head of stock loose on the range alone with those of the great cattle corporations. The latter claimed that these few head multiplied with unheard of fecundity—that many of these small stock men beginning with a yoke of steers and a branding iron would in three or four years have one or two hundred head of increase—thereby more than fulfilling the scriptural promise in the careful husbandman. The small stock men were denominated "rustlers" which is plain dialect for cattle thief. The rustlers promptly retorted with the counter charge that the big companies with their scores of riders rounded up and branded the stock of the small owners without regard to ownership and pursued a policy of persecution, intended to drive the small men from the homes they were trying to establish in the region claimed by the great cattle barons. The feeling between the two parties grew constantly more bitter. Numerous personal encounters took place.

pour into the region. The contest was carried into politics. The rustler element had more votes and after heated campaigns had elected officers who sympathized with their cause in most of the cattle counties. The large cattle companies controlled the state legislature and had enacted two laws for their own protection. One was the cattle commission law which authorized a commission (composed of friends of the large companies) to keep agents at the great stockyards in Omaha, Kansas City and elsewhere, with power to seize and confiscate cattle when shipped there if they were not satisfied of their ownership. The other law fixed dates for the annual roundup in different districts. The small stockmen in the Powder River region had expressed a purpose to hold their own roundup at a date that suited themselves regardless of the law.

So matters stood when the armed body of mounted rangers disappeared over the Wyoming hills in the direction of the Powder River region.

It was two days later—the morning of April 12th—when the occupants of the "K. C." ranch on Little Powder river, about sixty miles north of Douglas began to bestir themselves for breakfast. There were two occupants ordinarily—Nick Ray and Nate Champion—small stockmen belonging to the rustler faction. The night before two trappers, one an old man named Benjamin Jones, the other a young man their camp on the river near the ranch. The K. C. ranchmen had invited them into the cabin for the sake of company, always prized in these remote regions. After supper they had beguiled the night until a late hour with stories of frontier life and adventure. At daylight the next morning the old trapper Jones was first up. He took a pail and started down to the spring a few yards distant from the cabin. He was astonished to find the ravine filled with armed men. A dozen rifles covered him and he was ordered to come forward and surrender. He did so and was placed under guard. After quite an interval smoke was seen coming from the cabin stove pipe. Then the younger trapper came down the hill looking for his comrade. He was promptly taken under guard. Another interval followed. One of the ranchmen came out. "Don't shoot—wait for the other," said a man in command. Presently the other ranchman came out. He apparently caught sight of something wrong, for he instantly started back into the cabin, just as the command "Fire" was given, and his bullets, in the doorway. His body was dragged in by the survivor, who immediately opened a vigorous fire upon his assailants. For four or five hours the battle of sixty against one was continued. Finally the attacking party set fire to a load of hay and backed it against the cabin. It was soon in flames and its defender, forced from his shelter, was riddled with bullets a few yards from his door.

The remainder of the story of the Wyoming raid must be very briefly told. The firing at the K. C. ranch had been heard and within a few hours the story of its dead bodies and charred ruins was flying over the cattle range. A body of two hundred armed rustlers gathered under command of Red Angus, sheriff of the county. The invaders attempted to force their way across the country to Ft. McKinley and again the protection of the military, but the uprising of the small stock men was too quick for them and they were driven at bay at the T. A. ranch, a few miles north of the scene of killing of Champion and Ray. Here they were cut off from the communication and provision, and a siege and battle followed. The sheriff's forces were rapidly advancing a line of rifle pits upon the ranch and the destruction of the entire force was a matter of only a few hours when they and three companies of U. S. regulars, which had marched from Ft. McKinley to their relief in obedience to orders from the war department at Washington.

Not until the surrender of the invaders to the army was it known positively who they were. Then it was found that about one-third the force were the most prominent men in Wyoming business and politics, senators, county officials, wealthy cattle men, and even eastern stock holders in the great cattle corporations. Among them were Major Wolcott, W. J. Clark, Fred Hesse, Col. H. L. Parks, D. E. Clark, Ben Morrison, W. G. Devine and Charles Carter, of Wyoming; Tom Miller of Chicago, and Dr. Penrose of Philadelphia, all of them men of wealth and influence—some of them millionaires. The other two-thirds of the command was composed of Texas cowboys, the best shots and the hardest riders that could be found in the west. The entire force was marched under military guard to Buffalo and quartered at the hotel. The sheriff came with warrants for their arrest, but was refused access and three days later Major Fescht, since of the Nebraska national guard, with three troops of the Sixth cavalry escorted them to Douglas where they were placed on a train and taken to Ft. Russell at Cheyenne. After being kept in the fort a few days they were admitted to bail in the courts at Cheyenne and the great Wyoming cattle war was ended.

The two trappers Jones and Walker were captured along with the rustlers. They were demanded and secured by the local authorities and placed in the Douglas jail against the time of trial of the cattle barons. They were the only witnesses of the murder of Champion and Ray—their lips were

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ALTGELD AT OMAHA

Says That Hanna Quay & Co. are Hamiltonians of the Same old Tory Breed.

DANGER FROM THE JUDICIARY

The Glorious Spectacle of Abraham Lincoln on the Bloody Field of Gettysburg

Must Change our Tactics.

There was a great time in Omaha when the democrats celebrated Jackson day. There were many prominent speakers, some with national reputation, but most prominent of them all was ex-Governor Altgeld of Illinois. If there is any difference between the principles he advocates and those of populists it is in the direction of being more radical than the wild-eyed pop. The following is an extract from his speech:

The American Anglo-Saxon race has shed its blood to maintain these bulwarks of liberty, and our constitution guarantees them to every citizen. But they have already been stabbed in the vitals. For several years we have beheld the spectacle of some supreme court and other federal judges dragging their ermine around over the land to act the part of advocates for those interests which are destroying republicanism in this country. What are the liberties of America worth when committed to the guardianship of such men? During the recent campaign Mr. Depew came to Chicago under the auspices of the Hamilton club to deliver a partisan address at the Auditorium. Federal Judge Peter S. Groseup mounted the platform for the purpose of introducing the orator, and told the audience among other things, that the light of Jefferson was wanting—that on the dial plate of our national history this hour was Hamilton's, that Hamilton's great name exactly fitted these times, etc.

My friends, must we admit that Judge Groseup was right? Let us look around again. The senate of the great state of Ohio has just indicted a Hamiltonian senator for bribery and debauchery in securing a high office. A grand jury in Pennsylvania has just indicted another Hamiltonian senator for robbing the treasury of the state. Almost every great trust appears to have one or more Hamiltonian senator for standing conveniences. In the house of representatives, where the voice of the people was supposed to be heard, we find a pensioned ring master of monopoly stifling the voice of the people's representatives and reducing republican congressmen to a condition of pity and contempt. Two years ago a horde of Hamiltonian statesmen went to the capital of Illinois and not only sold out the people, but robbed the state of everything in sight. Wherever you find dirty finger marks on the temple of justice or a foul odor in the halls of legislation, there you will find Hamiltonianism. Verily the spirit of Hamilton fits these times, but what shall we say of a judiciary that openly rejoices over the fact that an era of corruption has enveloped the land that the betrayal of the people has become a science, and that the robbing of the people has become a fine art? And now we are to widen the sphere of this class of statesmen by giving them a chance to rob the Philippines! Heaven pity those poor people. The Spaniards took what was in sight, but the Hamiltonian, with his bond jobbery, enters the womb of the future and plasters his mortgage on remote generations.

During the political and partisan peace jubilee, recently held in Chicago the president of the United States went to the Chicago university for the purpose of being dubbed doctor of laws. In handing him the parchment, Professor A. K. Parker, who made the presentation speech, said, among other things: "The doctrine of sovereignty of the people leads a precarious existence in the mouths of men who love long sounding words and have not stopped to consider that it is only a specious form of the ancient blasphemy that might makes right." Stop here a moment and reflect. The president of the United States standing under the wing of the Standard Oil company, accepts a proffered honor which is coupled with a declaration that the doctrine of popular government is a specious form of blasphemy, and he utters not one word of protest, but by his silence and by his acceptance nods his approval.

Come now to another scene. On November 19, 1863, Abraham Lincoln stood on the battlefield of Gettysburg, and with tears in his eyes asked the American people to dedicate themselves anew to that cause for which the heroes living and dead had fought on that field, so "that government of the people, for the people and by the people should not perish from the earth." Consider these words: they embody the most complete form of popular sovereignty, yet only thirty-five years later we behold a republican successor of Lincoln nodding assent to a doctrine which characterizes

the above utterance of the grand martyr president as a specious form of blasphemy. Yea, Hamiltonism fits these times. Jefferson and Lincoln stood on the platform of the common people and as the light of Jefferson wanes the work of the great liberator passes into the shadow.

Now, gentlemen, time never stands still and evolution is eternal. New questions affecting our very existence have arisen; while they are old elsewhere, they are new here. This is an age of concentration in all things, and the formation of private monopolies in particular. Competition has been wiped out. In harmony with the law as it has stood for centuries we have denounced this, but to no purpose; we have legislated against it, but in vain. When they could not defeat legislation by bribery, they went before some subservient federal judge and had it declared unconstitutional. Our remedy has failed. Private monopolies is as injurious and as much of a crime as ever, and we cannot stop its birth; we must change our tactics and convert private monopolies into public monopolies. Give the whole public the benefit of the monopoly instead of a few individuals. Let the government take them. This is not state socialism; it is simply protecting the people, and therefore is democracy in its broadest sense.

WHO IS HE?

Prof. Weese discusses impersonal journalism in a recent issue of the Forum. There is nothing more disgusting to an honest writer who believes what he writes than the empiricism of the modern journal which forces him to use the name of the paper for which he writes instead of his own name. Prof. Weese says:

"There is no reason why the man who daily fills the editorial and reportorial columns of a newspaper should obscure his personality behind that of the publisher. If this is contrary to the ethics of modern journalism, it is time the code was changed. The man who writes should assert himself. He should not become a literary reusé or an editorial scullion. He should cultivate men of affairs, and get in touch with the people. The men who do the writing have the power to be at the front in all lines of journalistic endeavor. If they hesitate to wield it, the profession of newspaper writing will soon cease to have any attractions for men of culture and literary attainments, and will be turned over entirely to hack writers and penny- liners."

PROSPERITY-CHARITY.

A man came to the INDEPENDENT office the other day and said that he had been out of work for four or five weeks. That morning he had gone out to the place where they were cutting ice, having heard that they wanted men. He went before 6 o'clock in the morning so that he would be there in time to get a job. He found over a hundred men waiting there when he arrived. Not one of them got a job, for when the boss came he said he had already hired all the men he needed.

A meeting of the board of Associated Charities was called at their rooms, N. W. corner of N and 11th streets last Tuesday and a new set of officers elected to serve for the ensuing year as follows: President, T. H. Tibbles; Vice President, Dr. Inez Philbrick; General Secretary, J. P. Hebard; Treasurer, H. W. Brown; Agent, Mrs. Anna McCormick. Several committees were also appointed and the poor will be looked after.

GOVERNMENT LOANS.

Editor Independent: You published my letter headed "Government Loans" in the INDEPENDENT of December 22. In your remark below my letter you ask, "When is the (government) loaning business to stop?" I answer it is to keep on forever like in France. "There must be a limit to the issue of money." I answer yes, the limit is described in the popular platform: "fifty dollars per capita." When the issue of paper money reaches that mark it should stop. But the government loaning business can go on all the same by establishing postal savings banks and pay one per cent to depositors and then charge three per cent for loans. But the minting of gold and silver could go on to a higher limit, say \$75 per head without causing any disturbances. Government would not then be called upon for loans, as there would be lots of private money to be had. But you see as long as government offers loans at 3 per cent, no one could get any higher interest than that. The present high interest is the worst curse of our time. Great loans could be prohibited.

A. G. HALLBERG.
Plain Valley, Jan. 2, 1899.

Money is now being loaned by the million, where the security is perfect, for three per cent or less. If Mr. Hallberg will reflect, he will see that high interest is not the cause of our present difficulties. Moreover, if he wants to find the place where there is the most poverty, the most distress and a perfect stagnation in business let him go where the rate of interest is lowest, or where the purchasing power of the dollar increases so fast that a man could not afford to take money without any interest at all and return the same number of dollars at the end of the year. There is a great deal about interest that does not appear on the surface.

HOLCOMB ON RAILROADS

Some of the Ins and Outs of the Maximum Rate Case and the Injunction.

IT IS A DENIAL OF JUSTICE

Some Very Queer Swearing Done by the Omaha Stock Yards Officials.

A Document to Keep.

The following is the part of Governor Holcomb's message that treated of the maximum rate case and the Omaha stock yards.

The supreme court of the United States, in an opinion handed down in March last by Justice Harlan held the act of the legislature of 1893, popularly known as the maximum freight rate law, to be inoperative in that it contravenes the provisions of the Fourteenth amendment to the United States constitution, wherein it is declared that "no state shall "deprive any person of life, liberty or property without due process of law, nor deny to any person the equal protection of the laws."

The opinion is one of the most important and far-reaching ever rendered by that high tribunal and takes its place besides celebrated cases in the past concerning great questions of public importance affecting interests extending throughout the republic. It is to be regretted that a case such as this, involving grave public questions, should be permitted to drag along in the courts for such unreasonable length of time. The act in question was passed by the legislature in 1893 and almost a half decade passed before a final decision was reached.

Our constitution provides that all courts shall be open and every person for any injury done him in his lands, goods, person or reputation, shall have a remedy by due course of law and justice, administered without denial or delay. It is but a plain mandate of common justice and should be applied vigorously in both state and federal courts, regardless of written constitutions, expressly requiring that justice be thus administered. Certainly where there is involved questions so far reaching in their scope, of such general interest, and affecting the authority of legislatures of sovereign states, delays so great are to be deplored and are almost tantamount to a denial of justice.

I have the time only to speak briefly of some of the more prominent features of this celebrated case. The opinion holds, without qualification, that the legislature under our constitution has the authority by appropriate legislation to establish reasonable maximum charges for the carrying of freight by railway corporations between points within the state. The court says: "It cannot be doubted that the making of rates for transportation by railroad corporations along public highways, between points wholly within the limits of the state, is a subject primarily within the control of the state." The court says in substance, however, that the rates thus fixed must be reasonable and must not be so low as to prevent that corporation, sought to be regulated, from earning a fair return upon the value of the property used for the public service, after deducting necessary operating expenses.

The judgment of the legislature as to the reasonableness of the rates thus fixed is not conclusive, or, in other words, while the legislature may establish rates, which in its judgment are entirely reasonable and which prevent extortion or unjust exaction in local freight rates, the controversy properly becomes a subject of judicial inquiry. Suits may be instituted and the question tried in the same manner as other controverted questions of law and facts in the courts. Or, in other words, the court fixes the rates by disapproving what it terms unreasonable rates and approving what may find to be a reasonable rate; and it is to the court under this decision that we must look for a basis of method upon or by which may be determined what is a reasonable or unreasonable rate.

There ought to be no controversy, and I think there is none, regarding the right of railway corporations to earn a just return upon the fair value of the property used in the public service. No fair-minded person desires that they shall be compelled by statute to serve the public at a loss, or to be required to accept for their services charges that would yield no remuneration for the service rendered. We are all agreed that unreasonable rates are unjust, and that it would not be in keeping with the purposes and objects of a great law-making body, representing a sovereign state, and which is bound by every code of ethics and morals to deal justly with all interests coming under the influence of its actions, to undertake to force the railway corporations of the state to serve the people in the transportation of their persons or property without rea-

sonable compensation therefor. This is fully shown by the provisions of the act under consideration, wherein it is provided that if it shall be found that the rates of charges as therein provided are found to be unreasonably low or unjust, relief may be had by applying to the courts of the state and establishing by competent evidence that fact; whereupon the rates may be raised in such amount as seems to be reasonable and just.

What are just and reasonable rates, is the difficult problem to solve, and regarding which there may and apparently does exist a wide difference between the legislature and the courts. Doubtless this question will be answered by each individual, largely from the standpoint of observation occupied by him and the standard or guide which he shall set up to aid him in its determination.

What are the factors which justify enter into a rightful determination of this question. How is the fair value of the property used for the public convenience to be determined? Shall it be reasonable, fair and just value as at the present time, or shall the cost of construction and equipment determine? Shall it be the true and actual capital which has been invested, or shall all the stocks and bonds issued regardless of whether they represent fictitious capital, and were issued without consideration or which for any reason do not represent an honest investment of capital actually put into the enterprise, be considered in determining the fair value of the property for the purpose of ascertaining what are reasonable rates?

May the market value of the stock of the corporation, fluctuating as it does and subject to the manipulations of stock exchanges and stock gamblers be made the test? If these stocks, by manipulation or subject to the influence of chambers of commerce and boards of trade, be increased in market value, shall this be a reason for increasing rates, and shall each increase in the value of stock be followed by an increase of rates, thereby establishing an agency whereby the wealth of the producers may, by means of an endless chain, be transferred at pleasure into the lap of the stock broker? Is not the most just and equitable method, the reasonable present value of the property thus used for the public? All other property is subject to the law of depreciation and diminution and the cheapening process by reason of new inventors' discoveries, increased skill in operation and progress in many directions; and shall this one class of property be made an exception to the general rule?

By reference to the report of the board of secretaries, it appears that the present cost per mile for construction and equipment of two of the principal roads of the state is from twenty-three to twenty-five and a half thousand dollars per mile. Shall an estimate of this character be taken as a correct basis, or shall a road that has been stocked and bonded in the past for twice and three times these amounts, have values fixed upon the basis of the amount of capital as represented by such stocks and bonds?

A great many other considerations enter into this question, the most important of which is, perhaps, the relation which the business done within the state shall bear to interstate business and the entire revenues of the road, and what shall be the just and fair ratio of expense of operation between the two classes of business? I made mention in my inaugural address four years ago relative to this same case, that it seemed to me that one element in the case, which has not been noticed in the decision of the trial judge, was the reasonableness of the expenditure for operating the roads, and which are taken out of the gross earnings, thereby reducing the net earnings; if these operating expenses are unreasonably, it reduces the amount which goes to meet the demands of the stockholders and bondholders. I observe that in the opinion of the supreme court it is said: "Under the evidence there is no ground for saying that the operating expenses of any of the companies were greater than necessary." I regard this as an important factor and, while the expenditures denominated "operating expenses" were accepted as compiled and presented by the railroads in the trial of these cases without question, it occurs to me that it would be profitable to scrutinize and consider this one factor as carefully as any other in arriving at the truth regarding the matter.

The opinion in the maximum rate case does not, I regret to say, lay down with any degree of satisfaction any definite rule or basis whereby the reasonableness of the rates may be determined. There yet remains great uncertainty touching this phase of the question, which perhaps will only be settled by perseverance in an effort to establish by legislation just regulation of the charges by railroad corporations for the transportation of persons and property, which is subject to the authority and control of the legislature. I have thought it advisable to quote herein extracts from the opinion which appear to cover the salient points in the case.

The court says: "A state enactment or regulation made under the authority of the state enactment, establishing rates for the transportation of persons or property by railroads, that will not admit of the carrier earning such compensation as, under all circumstances, is just to it and the public, would deprive such carrier of its property without due process of law and deny to it the equal protection of the laws, and would, therefore, be repugnant to the fourteenth amendment."

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