

The Independent

VOL. XII.

LINCOLN, NEBRASKA, DECEMBER 27, 1900.

NO. 32.

SOMEWHAT ASTONISHED

The Few Republicans Who Read Were Nearly Knocked Off Their Feet

By Dun's Annual Report

Thousands of republicans honestly believed that the year 1900 was one of uninterrupted prosperity, and most of them as honestly believed that it all resulted from the benign influence of William McKinley. A good many were not to blame for such belief for they had no information except what they got through republican papers. But the end of the year made it necessary to print a few annual reports in the said republican papers. Those who read the papers and a few whom some kind neighbor took the trouble to show what were in the papers to those who do not read, were astonished beyond measure when they saw the figures, for there was what Dun, the republican authority by whom they all swear, had to say about the number of failures in 1900. Ten thousand four hundred and sixty. They could hardly believe their eyes. And the liabilities? \$194,066,209! Surely such dire things could not have happened and McKinley in the White House! But there was no denying it. The following is the table that Dun furnished for the information of the public. To make the figures look a little less startling, Dun arranged the failures into three classes—manufacturing, trading and banking, while heretofore they have always been bunched in one column. Study the following table for a while and then reflect on the benign influence of McKinley upon commercial affairs.

Failures in the United States reported

Manufacturers	1900	1899	Liabilities—1900	Liabilities—1899
Iron, foundries and nails	38	19	\$ 2,430,586	\$ 1,205,577
Machinery and tools	189	133	7,038,444	2,684,121
Woolens, carpets and knit goods	25	22	1,371,719	3,628,760
Costums, lace and hosiery	9	15	64,100	421,909
Lumber, carpenters and coopers	246	365	11,882,618	5,277,356
Clothing and millinery	205	233	3,115,673	3,505,470
Hats, gloves and furs	23	29	272,698	283,190
Chemicals, drugs and paints	40	40	877,913	955,567
Printing and engraving	135	143	1,289,493	1,385,752
Milling and bakers	132	121	770,205	1,395,932
Leather, shoes and harness	102	103	2,006,201	1,658,472
Liquors and tobacco	96	91	2,386,181	2,514,632
Glass, earthenware and bricks	26	43	854,919	967,959
All other	846	620	12,309,322	7,788,561
Total manufacturing	2315	1844	\$ 47,678,082	\$ 33,712,258

Traders

General stores	1900	1899	Liabilities—1900	Liabilities—1899
Groceries, meats and fish	2058	1884	\$ 6,741,374	\$ 7,507,244
Hotels and restaurants	289	264	2,792,432	2,956,431
Liquors and tobacco	878	791	5,356,968	5,541,331
Clothing and furnishing	533	543	4,740,213	4,082,338
Dry goods and carpets	429	411	8,858,311	4,770,598
Shoes, rubbers and trunks	318	322	2,604,355	2,372,296
Furniture and crockery	187	186	1,421,164	1,734,537
Hardware, stoves and tools	266	244	3,059,525	1,669,310
Drugs and paints	123	142	1,415,049	1,751,758
Jewelry and clocks	123	139	1,835,458	1,774,417
Books and papers	56	57	514,128	417,716
Hats, furs and gloves	37	30	475,664	318,613
All other	961	859	12,718,706	7,098,755
Total trading	7633	7400	\$ 63,678,978	\$ 45,958,540
Brokers and transporters	512	316	29,345,884	9,620,952
Total commercial	10460	9700	\$ 100,702,944	\$ 89,292,750
Banking	60	52	\$ 53,363,255	\$ 11,755,716

Report covers twelve months from December 1 to November 30; all other figures for calendar year.

The following is the list of failures since 1857:

Year	Failures	Liabilities
1857	4,932	\$291,750,000
1858	4,225	95,749,000
1859	3,913	64,294,000
1860	3,276	79,807,000
1861	2,995	207,210,000
1862	1,652	23,049,000
1863	495	7,899,900
1864	526	8,579,000
1865	530	17,625,000
1866	1,505	53,782,000
1867	2,780	96,666,000
1868	2,608	63,694,000
1869	2,799	75,054,954
1870	2,546	88,242,000
1871	2,915	85,252,000
1872	4,969	121,056,000
1873	2,183	228,499,900
1874	5,830	155,239,000
1875	7,740	201,000,000
1876	9,992	191,117,000
1877	8,872	199,569,926
1878	10,478	234,583,132
1879	6,858	98,149,052
1880	4,735	65,752,000
1881	5,582	81,156,932
1882	6,728	101,547,564
1883	9,184	172,874,172
1884	10,958	226,343,427
1885	10,637	124,220,321
1886	9,824	114,641,119
1887	9,634	167,550,944
1888	10,679	128,829,972
1889	10,882	148,784,327
1890	10,907	189,856,964
1891	12,273	189,868,638
1892	10,344	114,944,167
1893	15,242	346,779,889
1894	15,885	172,996,856
1895	12,197	173,196,960
1896	15,088	226,098,834
1897	13,351	154,332,071
1898	12,186	130,662,899
1899	9,327	90,879,880
1900	10,460	194,066,209

BRITISH OUTRAGES

Kitchener's Reconcentration Policy Works out the Same Results as Weyler's in Cuba.

W. T. Stead cables some horrible stories from The Hague in regard to outrages committed by the British soldiers upon the defenseless wives and children of the Dutch burghers. He says:

"Pitiable stories reach Holland concerning the fate of reconcentrated women in the British camps in the Transvaal. For instance, Madame Hardeus of Kimberley reports at the end of October: 'Today there arrived eight women

and twenty-four children from Potchefstroom, by train. They had a terrible tale to tell of how, when they refused to leave home, they were dragged away by Kaffirs and thrust into jail. After being kept some time without food, they were taken by soldiers to Kimberley. When they arrived here their clothes were in rags, having been torn by soldiers. Two of them were outraged. Some of them were widows, while two had husbands in St. Helena. The children, of all ages, were mostly barefooted. I was glad to be able to get them some food, which they badly needed.'"

"Another correspondent describes the arrival of six poor women from the same district. They were in a miserable plight. Two of the women, who had suffered from the violence of the soldiers, were taken to the hospital for treatment."

"A nursing sister who has arrived from Africa gives harrowing accounts of the condition of many of the victims of British soldiers."

"Another letter relates that two young mothers who were brought into the reconcentration camp were not allowed to take their infants, aged four and six months, with them."

"John H. Robertson, one of the leaders of the peace party in London, writes an open letter, making direct accusations of outrages upon the women, and defies the authorities to disprove them. He says: 'Two Dutch women, Martha Vermaak and Anna Snoor, living in Christiania, Transvaal, were assaulted on three occasions by gangs of soldiers, and had to be sent to the Kimberley hospital.'"

A complaint was made and the

by R. G. Dun & Co.

Number	1900	Liabilities—1900	Liabilities—1899
1900	1899	\$ 2,430,586	\$ 1,205,577
1899	1898	7,038,444	2,684,121
1898	1897	1,371,719	3,628,760
1897	1896	64,100	421,909
1896	1895	11,882,618	5,277,356
1895	1894	3,115,673	3,505,470
1894	1893	272,698	283,190
1893	1892	877,913	955,567
1892	1891	1,289,493	1,385,752
1891	1890	770,205	1,395,932
1890	1889	2,006,201	1,658,472
1889	1888	2,386,181	2,514,632
1888	1887	854,919	967,959
1887	1886	12,309,322	7,788,561

Report covers twelve months from December 1 to November 30; all other

soldiers were convicted. They were sentenced to four weeks' imprisonment."

"Robertson also charges that the British attempted to murder Miss Maggie Beaters of Besters' Station, Natal. She was standing on the veranda of her house with her brother. A British patrol of 300 men, fired, deliberately fired, luckily missing them."

THE LABOR COST

Articles can be Produced at the Least Labor Cost in the United States.

A very important witness was examined by the Industrial commission the other day. Mr. John H. Converse, of the Baldwin Locomotive works. He testified to the truth of the assertion that The Independent has so often made, that the "labor cost" of manufactured articles in America was less than it was in Europe, although the wages paid here were somewhat higher. Mr. Converse said the wages of the firm's employes are higher than those paid abroad.

"In that case," said Chairman Clarke, "how can you produce locomotives at less cost than the foreign product?"

Mr. Converse said he believed this fact to be due to the industry and intelligence of the American workman and the much larger use of improved machinery here than abroad.

As to the question of speed, Mr. Converse stated that the substitution of steel rails for those of iron permitted an increase of weight in engines, which resulted in greater speed. The increase in speed and capacity brought about a reduction in the cost of transportation and operation.

Regarding tariff conditions, Mr. Converse said that owing to the government ownership system existing in most foreign countries no difficulty was ever encountered in that respect. As to the condition of the industry, Mr. Converse said it is at present more prosperous than at any time from 1893 to 1897.

Mr. Kennedy asked the witness if any attempt had been made to combine all the American locomotive works. Mr. Converse answered in the affirmative. His firm opposed the project and he did not believe locomotives could be built at a lower cost if such an idea was carried out.

SMYTH REPORTS

Relates Some of His Experiences With Political Judges—Tells How Rulings Defeated Justice.

Attorney General Smyth in his biennial report gives Judge Baker a merited scolding. That the state has been prevented from recovering something over \$200,000 of Bartley's stealings by the rulings of Judge Baker of Omaha, no one doubts. The action of Judge Baker is claimed to be unparalleled, but others say that any one acquainted with what some of the republican judges have done in years past, would hardly make that remark.

After reviewing all the important suits in which he has appeared, Mr. Smyth takes up the Omaha National bank case and gives the following account of the three trials before Judge Baker:

"The state against the Omaha National bank is a case remarkable in no sense than one. It is remarkable for the facts on which it rests and also because of the conduct of the trial judge. It arises out of the transaction by which ex-Treasurer Bartley embezzled \$201,884.05 of the state's money in the Omaha National bank on January 2, 1897, five days before he went out of office. The bank was a state depository and as such had on deposit \$201,884.05 of state money. Bartley drew this sum on the morning of January 2, and delivered it to the Omaha National bank in payment of a warrant which the bank had no title to. The act by which he transferred the money to the bank was the act which constituted the crime for which he suffers in the penitentiary. The bank's title to the money therefore rests on this criminal act and is of no validity in law, and hence the bank must account for the money and send the law as it has often been adjudged by the supreme court."

"In the first trial in the district court of Douglas county Judge Baker expressly refused to follow the supreme court and consequently instructed the jury to return a verdict for the bank. I brought the case to the supreme court, where it was reversed and sent back for a new trial. Under the rules of the district court the clerk placed it on the docket from which it went to the supreme court. Judge Baker did not hold that docket when the case was returned to it, but at his request the case was transferred to his own docket, as I thought it never less than a usual desire on the part of a judge to try a case and consequently objected to his hearing the case. But the bank wanted him to try it, and it said so, and he overruled my objections and proceeded to try the case."

"Ingenious counsel suggested to him that he did not have to try the case; that it was his duty to enter judgment on the old verdict, and this he promptly did. I filed a motion for a new trial, but he refused to consider it, or say when he would consider it. Believing he had disobeyed the mandate of the supreme court granting me a new trial, I applied to that court for a mandamus to compel him to set aside his judgment and grant me a new trial. After a protracted fight the mandamus was issued."

"Although as the record shows he had repeatedly declared that there was nothing in the case for a jury to pass upon he submitted the case to a jury which returned a verdict for the state. The result was a verdict for the bank. The motion for a new trial was promptly filed and submitted to the court. Under the mandamus it was Judge Baker's duty to take up the motion at once and to pass on it without allowing other business to intervene. But he did not do so. Instead he held it for more than two weeks and then showed no signs of disposing of it. Consequently I applied for an order to compel him to pass on the motion. This order was promptly granted by the supreme court and the motion for a new trial was taken up. I at once took steps to take the case to the supreme court and the case was lodged there in time to have it tried at the January term. I feel quite certain that the amount sued for will eventually be recovered."

"Final judgments have been recovered in the sum of \$318,120.33, on which has been paid into the treasury about \$50,000. The total amount involved in all civil suits during my two terms of office was nearly two million dollars."

"All the serious law questions in the Bartley bond case have been settled by the supreme court. The validity of the bond has been determined although it was once adjudged by the district court to be invalid. Every dispute about \$281,000 of the shortage has been eliminated and the state will be entitled to judgment for that amount whenever the case is called for trial."

"Had the Omaha National bank case been accorded a fair trial when it first came before the district court, or when it came the second or third time before that tribunal the state would have judgment now for upwards of \$253,000. The law of the case, however, is now so well settled by the supreme court that the next time the case comes before that court I think it will give such a direction to the lower court that even Judge Baker will enter judgment against the bank."

"But the cases brought to recover money and to punish embezzlers do not represent by any means all the cases of importance tried during the last four years. There are many others involving principles of great importance to the people of this state and of much difficulty. Such for instance, as the board of transportation cases, the Bohn case in the supreme court of the United States, the maximum freight rate cases and the Standard Oil case. We successfully defended the power of this state to regulate rail-

road, telephone, telegraph and express companies through a board of transportation against four separate attacks, three in the supreme court and one in the federal court. Then as a last resort the railroads attacked the manner of the passage by the legislature of the bill conferring the power, and they succeeded."

"My judgment is, after a study of nearly all the cases on the subject that the only effective way to regulate railroads is through a competent commission with ample powers. Such a bill might be enacted reducing the rights of cattle, grain, etc., which would grant a great deal of just relief. Discrimination, perhaps, is one of the greatest evils. This, the commission, with proper powers, and means of executing them, would eradicate. The state must provide for some sort of control, or else leave to railroad freight traffic managers the unrestricted power to fix such rates as they please. They never less must have that power must be conceded, especially when we reflect that the cost of transportation rarely if ever is taken into consideration in fixing a rate. A distinguished freight traffic manager recently testified in effect that the rate was governed entirely by the amount which the traffic would bear."

"The Standard Oil company through its counsel made several vigorous assaults on the validity of the anti-trust law; they urged that it violated the constitution of the state and the constitution of the nation. So determined and many-formed were the assaults that it took a full court year to meet them all and have it finally determined that the law was valid. In the work of enforcing the law against trusts my greatest difficulty has been in procuring evidence, but if the decision on the motion to inspect the Standard Oil company's books be in favor of the state, not only will the power of the state to control trusts, but also its power to compel them, whether foreign or domestic, to furnish evidence against themselves be settled. This will be a long step forward and will reduce very materially the difficulties in the way of the state in fighting the trust evil."

"In each of the foregoing suits my office was opposed by never less than two, often three, and sometimes eight, of the leading lawyers of the state. This of course added greatly to the responsibility and difficulty of the work."

"My duties have brought me before courts of every grade, from the supreme court of the nation to the police court of my city. I have found most courts fair and fearless, some lacked the courage necessary to the proper discharge of their duties, but only one was, in my opinion, such as to make it improper to classify here. We have a law prohibiting judges from practicing law and we should have one prohibiting them from practicing law before the courts. If such a statute would not be valid we should have the public sentiment against it so energetic and powerful that the judge who considered the political effect rather than the justice of his decisions, or who became even an advocate on the political stump would be made to feel and words of every reputable citizen. Political parties could well afford to dispense with the services of judges as political manipulators. Fortunately there are few to whom these remarks apply. Most of our judges have the correct conception of the sacredness and dignity of their positions, and the sentiment should exist for the benefit of the judge who has not that conception."

"The period of my service as attorney general will soon terminate. It has been a stormy one. Great have been the interests which I have had to combat. My only purpose throughout was to perform my duty and thereby to bring honor to my clients, the state of Nebraska. In the performance of these duties I have no doubt aroused antagonism which will follow me out of office. Perhaps I am mistaken, but I cannot forget what was once said to me by a just and fearless judge: 'The offended corporations are aware of the people's sleep. None were carried away by the enthusiasm of success at Manila and at Santiago and, to use a slang expression, 'we lost our head.' I believe the president would be sustained by a great majority of the American people if he would undertake to dispose of the Philippine question by issuing a proclamation declaring general amnesty in the Philippines and causing a cessation of hostilities between the United States forces and the natives of those islands. He might go further by giving the natives of the Philippines their independence, with permission to form such a government as now exists in Hawaii."

McVEACH OPPOSED

Former Attorney General McVeagh was at the White house the other day and while waiting to see the president remarked to those present:

"I have always thought that our government made a mistake in acquiring the Philippine islands as a result of the destruction of the Spanish fleet in Manila bay by Admiral Dewey. At the time the people were carried away by the enthusiasm of success at Manila and at Santiago and, to use a slang expression, 'we lost our head.' I believe the president would be sustained by a great majority of the American people if he would undertake to dispose of the Philippine question by issuing a proclamation declaring general amnesty in the Philippines and causing a cessation of hostilities between the United States forces and the natives of those islands. He might go further by giving the natives of the Philippines their independence, with permission to form such a government as now exists in Hawaii."

Pop Ideas Pay

An official report shows that the water plant owned and operated by the municipality of Paris netted a profit of 15,000,000 francs (\$3,000,000) during 1900. A small municipal electric light plant, started as an experiment two years ago, cleared 900,000 francs (\$180,000).

SHALL THE REPUBLIC DIE

The Decision is in the Hands of the Supreme Court—The Arguments Have Been Made and the Case Closed.

The interest in the case before the supreme court which involves the question whether congress and the president have supreme power, unlimited by law or constitution, was intense from the beginning until the last argument was made and the judges gathered up the papers and left the court room. The case involves the rights of man, as no case ever involved the issue that court held its first session. Have men certain inalienable and natural rights? That is the question. If they have, then no congress and no president can enact laws to govern them without their consent. The claim made by the attorney general that the American congress or the American president has unlimited authority over millions of people which is hedged about by no constitutional limitations, is the re-assertion in another form of the divine right of kings. Men have no natural rights bestowed upon them by their creator. Congress can send armies to conquer them and when conquered, they can be held as slaves forever. This is the substance of the propositions laid down by Mr. Griggs. Does the majority of the American people believe that? The votes in the ballot box at the last election would seem to indicate that they did. If the supreme court says so, then it must stand as the policy of a people who have soaked a thousand battlefields with their blood fighting against it."

Former Attorney General Wayne McVeagh of Pennsylvania was among the unofficial callers upon the president. While waiting an audience with the president he discussed the Porto Rican and Philippine cases, now before the supreme court. General McVeagh said that he had not any very significant message to attach to the fact that two former presidents of the United States—Cleveland and Harrison—while differing so widely on many national questions were in comparative harmony against the expansion policy of this government. He said:

"Cleveland and General Harrison are both men of more than ordinary legal ability, and their judgment on great national questions is entitled to the highest consideration. The fact that they are unable to concur with the policy of the present administration is sufficient reason for enticing other less conspicuous national characters to pause and consider before committing themselves irrevocably to the theory of expansion."

In congressional circles the belief is freely expressed that the supreme court of the United States is widely divided on the Porto Rican and Philippine tariff cases, and that the decision will ultimately be left to Chief Justice Fuller. Thus the court stands either five to four or four to five on the government's contention. The administration professes to be very confident that the decision will be in favor of the continuance of its policy. The confidence of the administration's followers in the senate and in the house, however, has been rudely shaken up by the attitude of Benjamin Harrison, which has great weight with supreme court, and by the fact that Attorney General Griggs during his argument on Wednesday was piled with apparently hostile questions by Justices Brewer, Harlan, White and Brown. If these judges are hostile to the administration's position and all of the others are favorable to it, the administration's position is left a narrow majority of one vote."

It is recalled that President Harrison appointed Justice Brewer, Shiras and Brown and President Cleveland appointed Justice Fuller, White and Peckham. While no one expects that any of these judges are likely to be influenced by opinions entertained by distinguished former presidents who placed them on the bench, it is nevertheless an interesting fact that two-thirds of the justices of the supreme court owe their appointments to former presidents who are now assailing the imperialistic policy of the administration."

After the concluding argument by Charles H. Aldrich all the papers in the Porto Rican and Philippine tariff cases were taken by the supreme court. Mr. Aldrich's argument was a general summing up in behalf of the contention that the United States had no right to collect duties on articles brought in from Porto Rico and the Philippines, but should maintain absolute free trade with these territories. He first directed his attention to the circumstances under which this government came into existence, the struggle for liberty and the American protest against England's assertion of the taxing power over the American colonies. With this history before us, it was a remarkable fact that the attorney general of the United States, over 160 years after the great struggle which founded the American government, should come into this court and assert a taxing power more extreme than had been asserted by the most ardent defenders of England's taxing power over the colonies."

Mr. Aldrich spoke of the decision of Justice Marshall in Loughborough vs. Blake as of decisive importance, and he summed up that decision as bearing on the present conditions as follows:

"That the power to tax, levy duties, etc., extends to the entire United States."

"That the term 'United States' embraces 'our great republic, which is composed of states and territories.'"

"That 'it is not less necessary, on the principles of our constitution that uniformity in the imposition of impost, duties and excises should be observed in the one than in the other.'"

"It follows from the above that the rights and obligations of the territory thus a part of the United States and the inhabitants thereof are measured and tested by the constitution."

As to the contention that the Philippines were not a part of the United States Mr. Aldrich said:

"If the islands ceded by Spain are foreign territory, then our country would have as its commercial representatives therein consuls, who would perform the requisite official acts prescribed by our customs laws regarding shipments of merchandise from any of these islands to any part of the United States. The court takes judicial notice of the fact that our government has no consuls in the Philippines, and that when Spanish sovereignty ceased in those islands the United States consuls therein were withdrawn, and that the consular agents of foreign powers thenceforth were the accredited representatives of the respective foreign governments to the United States and our government signed the exequatur of such consuls. 'What an anomaly it is to have Spain send its consuls to the Philippines if, as contended, for the purposes of revenue, they are still foreign territory! If they are not American territory they must still be Spanish, for it is not pretended that any other nation foreign to the United States has acquired any sovereignty over them, nor is it pretended that the Philippine islands in the eye of international law occupy the status of an independent nation.'"

After citing Lord Mansfield's opinion on the limitation of the power of the king and parliament, Mr. Aldrich said: "It is a startling proposition by the power denied to parliament as inconsistent with liberty and consonant only with tyranny belongs to the congress of the United States in one case and to the president thereof in another; that a power, the assertion of which justified rebellion and a prolonged and bitter war, resist was carefully preserved in the very government established as the result of such resistance; that our forefathers denied an omnipotent parliament to decree an omnipotent congress; that what was tyrannical as to them in 1765-1776 is less than tyrannical now, time must be capable of changing principles if this proposition be true."

Speaking of America's early struggle for liberty, Mr. Aldrich said:

"The virile remonstrances of the several colonies compare favorably with any public document ever produced. These discussions made the Declaration of Independence easy and were a fit preparation for the long years of struggle and self-sacrifice necessary to maintain and establish the principles of that immortal production. We have since abolished slavery and have lived admittedly the foremost nation in all history in all that stands for liberty, guaranteed by laws made by a free people, which is our boast and the object of our adoration. Our principles, our traditions, our liberty, our constitution, all forbid that arbitrary power shall become our characteristic. The shaft aimed at the new colonial policy is tipped with a feather from the American constitution."

Mr. Aldrich closed with an eloquent reference to the work of our forefathers, which was not for their glory, but for all time. As soon as he finished the court turned to other cases, after allowing counsel in the Porto Rico case ten days to file a further brief.

LAST WILL AND TESTAMENT

Providing for the Children of Moloch and the Campaign Fund for the Year 1904.

We the people of the United States being of unsound mind, and realizing the uncertainty of (political) life, and being desirous of perpetuating the God of Moloch and his children, viz: The meat trust, the twins, sugar and coffee trust, and many others such as the rail, tinplate, oil, coal, etc. The family is so large that our space is inadequate to give all and more specifically we are very anxious for the continuing of the several hundred houses of prostitution, and about 1,100 cantenas that have been so graciously instituted for the express benefit of our fathers, sons and brothers in the Philippines, and whatsoever would come under any comprehensible term of etc., etc., and for securing and the payment of the most just claim of 100 million \$ for the campaign fund of 1904—hereby make our last will and testament: We hereby bequeath to the God of Moloch, our houses, our children and our children's children, to have and to hold the same forever, and for the purpose above set forth, and we hereby appoint the Hon. Wm. McKinley the executor of this our last will and testament and held him to the faithful performance of the bequests herein. Witness our hand and seal this day and year above written.

<