

**SIOUX COUNTY JOURNAL.**  
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HARRISON, NEBRASKA.

**NEBRASKA STATE NEWS.**

George Light of Junia, who is attending the Hastings Business college, was accidentally shot in the left hand one day last week while examining a loaded revolver.

Zeno Briggs of West Point left for Annapolis, Md., last week to resume his studies at the Naval academy. His next visit home will be in June, after which he will go on a two-years' cruise in Pacific waters.

Thomas J. Majors has begun mandamus proceedings in the district court at Auburn, Neb., to compel the reinstatement of his son as a pupil in the Peru State Normal school. The case is set for Oct. 9.

The new students of the Hastings college were given a reception at the dormitory last Saturday night. It was under the auspices of the College band and proved a most pleasant affair. Nearly 100 new students were in attendance.

The 12-year-old son of John Scherwath, living seven miles northwest of Wausa, met with a violent death last week. While alone at home he took down a .38-caliber revolver and foolishly pointed it toward him. The ball lodged in the stomach. Death resulted in about three hours.

The Stanley Brothers, who were arrested near Unadilla a few days ago upon the charge of the theft of some grain, are much in demand. The sheriffs of Cass and Johnson counties are after them with warrants charging them with the theft of a bicycle at Tecumseh and some merchandise at Eagle.

The brick works at Louisville were opened last week, after being closed for about two years. The company has been reorganized and will seek to keep the works going winter and summer. They will manufacture building, paving, sewer and sidewalk brick. The plant formerly belonged to ex-Treasurer Bohn of Omaha.

Henry T. Specht, charged with a criminal assault upon Miss Buckholts of Berlin, was acquitted by a jury in the district court at Nebraska City. The parties belong to prominent German families and considerable interest was manifested in the case on this account. Specht was 18 years of age and the girl about 20.

Last evening while Dan Dovenberger and O. O. Moss of Brady were trying to settle regarding some exchanged labor a dispute arose and both men became angry. Moss ordered Dovenberger off the place and when the latter turned to go Moss struck him across the head with a heavy stick, inflicting a severe wound.

Fremont Green, a boy 9 years old, was run over by a bicyclist during the progress of a fire at Beatrice and seriously injured. As he fell his head struck the pavement, cutting a deep gash in his forehead. He was carried unconscious to the home of Dr. Albright, who attended him. He will recover.

About two months ago a Mrs. Dice of Creston, Ia., came to Geneva to visit her daughter, Mrs. A. Chapman. Warren Standard of Geneva met the visitor and married her the following day, and the couple left immediately for the bride's home at Creston. The couple are about eighty years of age and Standard is quite feeble. He and his aged bride failed to agree and he is now making his way back to his Nebraska friends.

The project of holding a corn carnival at Beatrice the coming month was decided upon last week at an enthusiastic meeting of businessmen. Several hundred dollars was raised for the purpose and committees appointed. The date will be about October 27. It is proposed to have a flower parade in the afternoon and the carnival proper in the evening. The business houses will be decorated within and without with corn as the fancy and artistic taste of each dictates.

A rear end collision occurred at Sutton last week. The local train running west was in two sections. The first section pulled out, leaving the other one discharging freight. The through Denver freight came around the curve. As quick as Engineer Burns saw the local he reversed his engine and he and Fireman Charles Dean jumped off. The engineer was not injured, but the fireman had his shoulder fractured. Three cars were completely demolished, destroying large amounts of merchandise.

Attorney General Smyth has written a letter to Governor Holcomb in which he anticipates an adverse decision in the maximum freight rate case. He says he believes that the state's interests in the case were betrayed by those whose sworn duty it was to protect the state, but exonerated John L. Webster from blame in this. The letter intimates that one of the principal witnesses for the state really gave testimony for the roads, and that witnesses for the defendant were not properly cross-examined. It suggests that the state's interests might have fared better if it had been without representation at the hearing of the case.

Attorney John O. Yeiser of Omaha scored a point in his fight against the Nebraska Telephone company last Friday. He went before Judge Scott and obtained an alternative writ of mandamus against the telephone company, requiring it to furnish a telephone in Yeiser's office in the Life building for \$5 per month rental, or show cause October 8. The usual rental is \$10 for a metallic circuit wire and \$5 per month for a ground circuit.

**STATE'S CIVIL SUIT BEGUN.**

**ATTORNEY - GENERAL TRYING TO RECOVER STOLEN MONEY.**

The bondsmen contend that Bartley was not State Treasurer, that his bond was illegal and that they are not liable.

Omaha, Neb., Oct. 2.—The case of the State of Nebraska vs. ex-Treasurer Joseph S. Bartley and his bondsmen to recover the sum of \$555,790.66, the amount of the defalcation in the state treasury, was begun in the Douglas county district court yesterday. The preliminaries of selecting a jury was begun a day or so earlier, but now the real contest is on.

Attorney General Smyth made a brief statement of the state's position. It was in effect that the suit was brought to recover from his bondsmen the amount of the defalcation of the ex-state treasurer. The embezzlement was from two funds, the permanent school fund and the general fund. The contention was that the shortage should be secured from the bondsmen, the attorney giving no intimation in his statement that there was any doubt of the legality of the bond.

On the other hand the counsel for the defendants set up as the defense that the bond was illegal. They maintain that it was signed on January 3, 1895, by all the bondsmen except Thomas Swope, William A. Paxton, sr., and Cadet Taylor of this city. It was presented on that day to Governor Holcomb, who refused to approve. It is alleged that the bond was then taken by state officers to the office of the secretary of state, placed on file there and then the names of Swope, Taylor and Paxton were secured. It was again presented to Governor Holcomb on January 9, four days afterward, and was on that day accepted.

The defense argues that the last day upon which the bond could be approved and filed was January 3, and, inasmuch as this was not done by that date the bond was illegal and that according to law Bartley never was state treasurer after that date. Therefore they contend that they can not be expected to make good the shortage of Bartley as an individual, since the bond was furnished him as state treasurer.

In addition to this defense another is made by Mary Fitzgerald that when she affixed her name to the bond she was insane, and that she never knew that she had done so. She alleges that her signature was secured within an hour after her husband's funeral, when her mind was unbalanced by grief.

At the conclusion of these statements court was adjourned until this afternoon, when the introduction of evidence was begun.

**STATE CAPITAL NOTES.**

Irrigation Congress Adjourning--Going to Nashville.

Lincoln, Neb., Oct. 2.—The National Irrigation Congress adjourned Friday. The next meeting will be held at Cheyenne, Wyo. It should have been located at Omaha, and held during the Transmississippi Exposition.

For several days Treasurer Messer and others from around about the capital have had to go to Omaha as witnesses in the case against ex-Treasurer Bartley's bondsmen.

Governor Holcomb and staff, Senator Allen, Mr. Bryan and others are making arrangements to attend the Nashville exposition on October 8, which has been designated as "Nebraska Day." The other members of the distinguished party are General Harry, General Bills, Colonel Maher, Major Fretcher. The Nashville People have shown great interest in this day, and have been writing and telegraphing about it. The leading newspapers have requested the latest photographs of the party, and are claiming that "Nebraska Day" will easily be the biggest day of the exposition.

**NEWS NOTES**

Alexander McDonald has died at San Francisco from injuries sustained by a fall from a train Tuesday.

Lon Agnew was defeated by Henry Spangler, a recently graduated amateur, in the eighth round, at Sacramento, Cal.

Fred D. Warnecke, president of the People's bank at Kingfisher, Okla., hanged himself while despondent over ill health.

The president has appointed Newton C. Bates, U. S. N. surgeon general and chief of the bureau of medicine and surgery of the navy.

Fire destroyed the salt docks of Joy Morton & Co., and the United Salt company at South Chicago, Ill. Loss, \$62,000. They were fully insured.

C. E. K. Rice, 55 years old, who registered in New York at the Grand Union hotel from San Francisco, Tuesday last, committed suicide by inhaling gas.

The grand jury of Philadelphia ignored the bill against Marion Stuyvesant, charged with the murder of Major W. C. Wilson, the aged librarian, and ordered his discharge.

Bills against the mine leaders, charged with riot and unlawful assembly by B. DeArmit, as a result of the troubles at Unity, have been ignored by the grand jury at Pittsburg.

A woman and her four children were found dead by asphyxiation in the West Shore hotel at New York. The woman had evidently killed her children and committed suicide. She registered as "Mrs. Caroline Razinius, West Point."

In a collision of electric cars at Toledo, Mrs. T. J. Marlow, Mrs. James T. Whalen, and Miss Nellie Whalen were seriously hurt, and Miss Mary White, daughter of Chief Justice Waite, sustained injuries which may prove fatal.

# ADVANTAGES OF A GOOD LAW DENIED THE PEOPLE

## HOW OFFICIALS WHO ARE DISPOSED TO ENGAGE IN DOUBLE DEALING HAVE DEFRAUDED THE PEOPLE.

**A Reasonable and Just Law, the Enforcement of Which Means Millions of Dollars Saved to the People Each Year, is "Held Up"—A Chapter in the Laws of Freight Rate Making Which Every Good and Loyal Nebraskan Should Study and Familiarize Himself With.**

**UNITED STATES SUPREME COURT OPINION EXPECTED.**

After Four and One-Half Years of Waiting the Court May Hand Down an Opinion.

Within another week or ten days the Supreme Court of the United States is expected to announce its decision on the appeals in what are commonly known as the Nebraska maximum freight rate cases. It is now about four and one-half years since the maximum rate law was passed by the Nebraska legislature, and yet the people have had no opportunity to try the law and, if a good one, to reap its benefits, or, if a bad one, to have its defects remedied. It has, all that time, been "hung up," so to speak, in the United States Courts. There appears to have been all the time a culling on the part of the officers who were intrusted with its care to delay the proceedings in this very important matter.

The history of attempted railway legislation in this state, both in the legislative and judicial branches of our government, (in late years courts have largely assumed legislative functions) forms an interesting chapter in our history.

**THE ENORMOUS AMOUNT PAID ON FREIGHT.**

Nebraska Pays Out Millions of Dollars Annually More Than It Should

--Read the Figures.

The 1890 statistics show that for the carrying of freight the people of the United States paid to the railway companies the stupendous and almost incomprehensible sum of \$736,793,699.00. This is a sum nearly equal to one-sixth of all the capital stock of the railway companies and nearly equal to one-sixth of all the funded debt. The capital stock referred to is from three to four times their actual value. It should also be borne in mind that the construction of these lines of public highway, presumably for the "accommodation of the people" was materially assisted by municipal, state and national subsidies, and that it has been held by the highest courts of the land that they are proper subjects of inquiry and legislation.

But it is Nebraska rates about which we are chiefly concerned. The railway companies have furnished to the Inter State Commerce Commission facts and figures from their own standpoint, and in the volume of statistics of 1890, issued by this Commission upon such data, we find that Nebraska is classified in a group of territory which pays a revenue of ninety per cent over the cost of carrying the freight.

From the statistics given out by the railroads doing business in Nebraska and the testimony given by the railroads witnesses at the maximum freight rate trial in the United States courts it is learned that in 1893 that the total amount received by the railroads in Nebraska for freight carried within the limits of the state was \$14,460,659.00. This amount is exclusive of the revenue for like service received by the Chicago, Rock Island & Pacific, the Sioux City, O'Neill & Western, Missouri Pacific, Sioux City & Pacific, Kansas City & Beatrice and Kearney & Black Hills. If these lines were included in the computation the amount paid for freight hauled within the limits of Nebraska in 1893 would aggregate the sum of \$20,000,000, or about \$20 for every man, woman and child in the state, or \$100 for every elector in the state.

But this is not all that Nebraskans pay. The tillers of the soil ship their products east, and they buy what they consume from the merchants and the merchants receive their goods from the eastern manufacturers, so that the producers and consumers of Nebraska are made to bear their share of the freight charges over all the railroads that pass through all the states from the Atlantic to Nebraska. The result is that the twenty millions above mentioned constitutes but a small percentage of the whole amount of the freight tax which our people are obliged to pay annually.

**RATES IN NEBRASKA FORTY PER CENT HIGHER**

Than They Are in Adjoining States, and a Greater Profit is Made on Our Carrying Trade Than in Any Other Portion of the Union.

We learn also from the same authority that the local rates in Nebraska are forty per cent higher than they are in surrounding states, and that a greater profit is made on freight business in Nebraska than in any other portion of the American union; that, had the maximum freight rate law been allowed to go into effect, it would not have reduced the average freight charges to as low a point as are the rates in adjoining states. In fact, there are abundant statistics, gathered from the railway companies' own statements, to prove that the freight rates in the surrounding states are in reality twenty per cent less than what the rates in Nebraska would have been, had the maximum freight law been allowed to go into effect.

As the farmers harvest their crops this season, it is their duty to acquaint themselves with the constant robbery through freight charges which the eastern owners of four railroads are inflicting upon them. These rates charged in surrounding states are reasonable and are accepted by the railway companies as reasonable, hence it requires nothing more than common sense for any man to understand that the rates exacted in Nebraska—which are forty per cent higher—are highly unreasonable and exorbitant.

In addition to the generally exorbitant rates charged our people, there is also flagrant and demoralizing discrimination in the arrangement of tariff rates in favor of certain articles as against other classes of articles, one town against another town and one class of shippers against another class of shippers.

**HOW THE LAW HAS BEEN JUGGLED.**

Former Attorney-General's and State Board of Transportation's Queer Actions.

But it is not the purpose of this letter to discuss the merits of the law so much, because that is well understood by the people of the state; but at this time it recalls to their mind the enormous amount of jugglery and other sleight of hand performances which the Attorney Generals of this state and the former State Board of Transportation have engaged in and by which inexcusable, if not criminal, conduct have allowed this very important legislation to become inoperative.

The Constitution of the State confers upon the Legislature the following powers:

"Railroads heretofore constructed, or that may hereafter be constructed in this State are hereby declared public highways, and shall be free to all persons for the transportation of their persons and property thereon, under such regulations as may be prescribed by law. And the legislature may from time to time pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on the different railroads in this state. The liability of railroad corporations as common carriers shall never be limited."

The legislature shall pass laws to correct abuses and prevent unjust discrimination and extortion in all charges of express, telegraph and railroad companies in this State and enforce such laws by adequate penalties to the extent, if necessary for that purpose, of forfeiture of their property and franchises."

Under the authority conferred by this constitution the legislature of 1893 passed an act, being House Roll No. 33, "to regulate railroads, to classify freights, to fix reasonable maximum rates to be charged for the transportation of freights upon each of the railroads in the State of Nebraska, and to provide penalties for the violation of this act." This act was approved by the Governor April 12th, 1893, and as the title just quoted indicates attempted to classify freights and to fix the maximum or highest rate that could be charged by the roads for the transportation of freight within this state. This law was attacked by the railroads interested by an injunction issued by the circuit court of the United States for the District of Nebraska against the then Board of Transportation of the state, enjoining them from putting the law into effect or in any way interfering with the roads in the matter of rates.

**SELECTING A PREJUDICED JUDGE.**

The Corporations Need the Courts--In Order to Know What the Law Is Must Know Judges who Administer It--Sullivan Six Years Ago.

For the trial of these cases the law officers of the state consented that Mr. Justice Brewer might come here to hear and determine the prayer of the railroads for the injunctions. This, they did in the face of the well known views entertained by Judge Brewer in the matter of the regulation of railroads or other corporations by legislative enactment. Judge Brewer's views of all laws of this character were not at that time in doubt or a matter of speculation on the part of any lawyer in the United States at all familiar with the position he had taken on many occasions. His views on questions of this character had been very forcibly expressed many times in dissenting opinions which

**INTERESTING EXPERIMENTS.**

How long does it take a man to distinguish between two sounds? Prof. Rickett, at the recent meeting of the British Association, gave the results of his investigations into this subject. He found that by mentally running up the notes of the musical scale for one or more octaves, and then dividing the total time by the number of notes thought of, the time taken for each note was one-eighth of a second.

There are various ways of arriving at conclusions as to the amount of time necessary for realizing any physical sensation or mental impression. If the skin be touched repeatedly with light blows from a small hammer, a person may, according to Prof. Rickett, distinguish the fact that the blows are separate and not continuous pressure, when they follow one another as frequently as 1,000 a second.

The smallest intervals of sound can be much better distinguished with one ear than with both. Thus the separateness of the clicks of a revolving toothed wheel was noted by one observer when they did not exceed 60 to

were a matter of record and familiar to every lawyer who had ever taken the trouble to consult the reports of the Supreme Court of the United States. In spite of this notorious fact the legal representatives of the State of Nebraska consented to have brought to this District to hear and determine those cases, in which there was so much involved for the people of this state. The decision was a foregone conclusion if the judge adhered to his position so often announced and reiterated by him. That he did adhere to his former views on the question was soon made painfully evident to all concerned, when he decided the cases on all points adversely to the state. In connection with the trial of those cases in the Circuit Court many peculiar things happened that are not generally known by the people. In the petitions and bills in equity as they are technically known, filed by the railroad companies they allege that the law would, if put in force, reduce their then present charges twenty per cent. This percentage it is safe to say, was arrived at by the companies after a most careful examination of the subject by their expert accountants, and it is equally safe to say that it is as large as they thought it possible to make it under the facts.

**GIVING THE CORPORATIONS A BIG LIFT.**

State Officials Go Out of Their Way and Deliberately Falsify Facts to Help Out the Other Side.

When the State, through its attorneys and secretaries of the Board of Transportation, came to present its side of the case at the trial it was not content with admitting the charge that the maximum rates, if put into force, would reduce the charges of the railroads twenty per cent, but went far beyond that claim and proved that it would reduce the charges 29½ per cent, or nearly ten per cent more than the railroads themselves claimed it would reduce their charges. The state would have been far better off upon that point if it had no representation at the trial. After this piece of testimony was given by the State's chief witness the railroad companies discharged their experts and tried the case from that point onward, so far as rates were concerned, upon the testimony of the state's witnesses.

Another bright piece of management is shown by the record. At the request of counsel for the roads this same witness for the State prepared a table which is a part of the record. This table purports to show the amount of business done by each railroad in the State during the years 1891, 1892 and 1893, and the percentage of expenses to earnings. In making up this table for the benefit of the railroad companies the State's expert was not content with taking into consideration the amount of local freight hauled and the earnings and expenses of the companies in hauling it. If he had considered only it, the percentage of expenses to earnings would have been of value in determining whether or not the cut which would be made by the maximum law would leave anything for profit to the railway companies, but instead of doing so he took into consideration all of the business done by each company and then ascertained the percentage of expenses of all business to the earnings of all business. At a glance it will appear that such a percentage could be of no value in determining whether or not the rates fixed by the Maximum law for hauling local freight would produce any profit. The unfairness to the State of this method of calculation is disclosed by this illustration: In 1891 the Elkhorn road hauled 141,056 tons of local freight. The percentage of expenses to earnings was about 50 per cent. In 1892 the same road hauled 158,350 tons or nearly 20,000 tons more than in 1891, yet the percentage of expenses to earnings was about 71 per cent. In other words, the year in which they hauled little freight, under this method of calculation, was a year in which they made more profit by about 20 per cent, than the year