

NEBRASKA NEWS NOTES.

J. Newlap, a prominent business man of Oakland, has been adjudged insane and sent to St. Bernard's hospital, Council Bluffs. He has suffered for some time with a nervous malady. There are hopes of his recovery.

Sheriff Layport returned Wednesday afternoon from a thirty-mile trip in the country west of Valentine, where he went to arrest Mocha Frankie on the charge of cattle stealing. He made the arrest and the prisoner is now in jail.

Ed. Lemon and J. Brougher had an altercation at Fairbury, in which Lemon received a severe cut on the head from a pitchfork handle, and Brougher had two ribs broken. Brougher is 73 years of age and it is feared his injuries may result fatally.

The Bimetallic league of the State university gave its first annual banquet Saturday evening at the Lincoln hotel. The toast list included as speakers: W. J. Bryan, T. M. Patterson of Denver, Governor Poynter and Prof. T. M. Hodgman of the university.

McCool citizens are organizing a local telephone company on the mutual plan. A large number of telephones are being subscribed for and a regular telephone exchange will be conducted. The cost is estimated to be about one-tenth that charged subscribers by telephone companies.

The remains of Alvin Eider, company G, Third regiment, United States Infantry, who died in the hospital at Manila August 8 last, of malarial fever, were buried at Brady Island with military honors Thursday. The body was interred in the National cemetery at old Fort McPherson.

Governor Poynter Wednesday named a fire and police board for the city of Omaha. The governor appointed W. S. Poppleton, W. J. Broucher, Dr. J. H. Peabody and Harry C. Miller. It is understood that intervention in the name of these gentlemen will be made in the pending suit in the supreme court.

Early Wednesday morning a young man of the name of James Peer died of measles across the state line from Superior, in Kansas. His brother, John was quite ill of the same disease, but was rapidly improving until informed of his brother's death. He began to sink rapidly and died in the afternoon.

It snowed at Lyons by spells during Wednesday. Farmers have taken advantage of the several warm days and have sowed considerable wheat. Most of this work remains incomplete, such as harrowing and the like, which will not make much difference unless this work is delayed too long and the wheat becomes sprouted.

Frank Hakel, a German farmer, residing in Chapman precinct, Saunders county, accidentally shot and killed himself Monday while trying to kill a rabbit in the orchard near his house. Coroner Lamb was summoned, but decided it was not necessary to hold an inquest. He leaves a wife, daughter and one son, Frank Hakel, Jr., a prominent merchant of Weston.

A grand wolf hunt took place Thursday on the famous Shell Creek valley, near Columbus. A territory of eight square miles was covered by four lines of men, making the creek bottom the center point. A number of wolves were slain, besides considerable other game. The wolves have been making themselves quite troublesome this winter, a number of farmers having lost pigs and chickens by their depredations.

At Rushville a young man named Grant Davidson was thrown from his horse and dragged by the left foot in the stirrup a distance of fifty rods. A number of persons endeavored to stop the animal, and finally a young girl named Elsie Baer checked the horse and drove him into one of the main streets. Here a man grabbed the bridle. Davidson's right hand was kicked by the horse and he was kicked on the left side several times, but no bones were broken. He was terribly bruised and scratched up.

A young man appeared at the city jail at Beatrice and said he was a deserter from the army. He said he enlisted in 1896 and his regiment went to Cuba, but he stayed in Kansas City and worked in the postoffice. He gave the name of relatives in Kansas City, who were telegraphed for and who replied saying they would come and get him. The story of his desertion is not credited here, but is thought to be a hallucination.

Omaha business men who will raise sugar beets this year for shipment to one of the Nebraska factories, effected a permanent organization at the Commercial club by electing J. E. Utt president and F. B. Hochstetler secretary-treasurer. M. C. Peters was elected chairman of the executive committee, on which will fall the work of the organization, and with the president will select the other members of the committee. It was the sentiment of the meeting not to raise this year over 200 acres of beets, and for this purpose \$2000 was subscribed. Additional subscriptions to a like amount will be returned and the beets will then be raised.

HEARS THE RATE CASE

ARGUMENTS ARE MADE BEFORE JUDGE MUNGER.

Suit Enjoining the State Board is Brought By a Stockholder of the Burlington.

Omaha.—(Special.)—Arguments were made in federal court on the Burlington's injunction against itself, or indirectly, the right of the state board of transportation to enforce its recent orders issued under authority of the maximum freight law. The case was thrown into federal court through the application of Stockholder Higginson of the Burlington for an injunction to prevent the officials of that road from obeying the state board of transportation, averring that the board's orders were illegal and would result in forcing the stockholders down to a non-paying basis. In this way, the state board of transportation was forced into the federal court to protect its rights and powers, as it has maintained them under existing statutes.

Judge W. D. McHugh and Judge Woolworth appeared for Stockholder Higginson, and Attorney General Smyth and Assistant Attorney General Oldham for the state board.

The railroads, who are the plaintiffs, seek to secure an injunction to restrain the state board from enforcing freight rates unless application is first made to the United States court for an order modifying the injunction issued in the original case.

Judge W. D. McHugh presented the opening argument for the plaintiffs. He contended that the law of 1887 and the law of 1893 are radically different. Under the law of 1887 the state board of transportation was empowered to fix freight rates as the members deemed equitable. In 1893 the legislature abandoned the plan of regulating rates through a board and decided for direct legislation. In this way, the judge argued, the law of 1893 is inconsistent with the law of 1887 and therefore repeals the general powers of the board under that law.

W. D. Oldham, deputy attorney general, made the opening argument for the state. He held that the law of 1893 did not repeal the law of 1887 by implication, and that courts do not favor repeals by implication when both laws can stand. He argued that the two laws are not conflicting; that the law of 1893 simply established a maximum, above which the board could not go in fixing rates, below that maximum their powers were as enumerated in the law of 1887. While, according to the decision of the supreme court, the board is restrained from establishing rates under the law of 1893, it is not restrained from establishing rates regardless of that law, which has been rendered inoperative.

SMYTH'S ARGUMENT.

Attorney General Smyth said: "The bill filed by the plaintiff is a supplemental bill. It was filed without notice to the state. This is in violation of the fifty-seventh rule of equity practice, but, if treated as properly on the files, it does not state any cause for relief. It proceeds on the theory that the power conferred on the board of transportation by the law of 1887 was taken away from that board by the maximum rate law of 1893. The original decree proceeded upon the theory that the rates fixed by the law of 1893 were unreasonable, and hence that the law was unconstitutional. Therefore, the purpose of this supplemental bill is entirely distinct from the purpose of the original decree. And since a supplemental bill can be filed only where the relief it seeks is consistent with the purpose of the original decree, and in aid of that purpose, this bill does not state a cause of action."

"The maximum freight rate law was declared unconstitutional by the United States supreme court, or at least it has been suspended so far as the parties to this action are concerned. It would be a novel proposition to contend that while the law was suspended and of no force so far as the rates therein were concerned, that still it was in force for the purpose of repealing that part of the law of 1887 which gave to the board of transportation the power to fix rates. But if we concede that the law of 1893 is still in full force as contended for by the railroads in this case, we still contend that that the power to fix rates conferred on the board by the law of 1887 is in full force. If it is not in full force it is because there is something in the law of 1893 which is irreconcilable with the law of 1887. But this is not so. The law of 1887 gives the board power to reduce rates. The law of 1893 does precisely the same thing. Therefore there is no inconsistency between them. This is according to the decision of the

supreme court of Nebraska in the recent telephone case.

JUSTICE HARRIS'S OPINION.

"The plaintiffs say they want the decrease in the maximum freight rate case interpreted. This is not necessary, because the supreme court of the United States, speaking through Mr. Justice Harlan more than two years ago, on my application, declared just what the decree means. The court said that the purpose of the decree was to restrain the board of transportation from enforcing the maximum freight rates as an entirety, but that the decree does not prohibit the board from reducing the rates on specific articles, even below. There is no room for misunderstanding the supreme court's interpretation of the decree. Notwithstanding this, your honor is urgently asked to issue a temporary injunction to restrain the state from proceeding to reduce the rates on specific articles until the supreme court has been again appealed to for an interpretation of the decree. To grant this request of the railroads would be a great injustice to the state and entirely unwarranted by the law."

Here Judge Munger asked the attorney general this question: "Suppose the board of transportation reduces the rate on one thing today, on another tomorrow, and so on until it has reduced all the rates to the level of those fixed in the maximum rate law, without making application to this court to have the decree set aside, would that be proceeding according to the supreme court's interpretation of the decree, or would it be a violation of the decree by injunction?"

To this the attorney general replied: "The purpose of the decree was to prohibit the enforcement of the maximum rates as an entirety, because considered as an entirety, they were declared to be confiscatory. But because, when so considered, they might have the effect of unreasonably reducing the earnings of the companies, it did not follow by any means that the reduction of a few rates would have that effect. The purpose of the supreme court was to prohibit that which affected the companies unreasonably, but not to prohibit that which did not so affect the companies' earnings. The board may reduce the rate on one, two, three or four articles, and continue to reduce rates until it reaches that point where further reduction would affect unreasonably the earnings of the companies. When the board reached that point the law would prohibit it from going farther. There is no evidence before the court tending to show that the rate which the board is about to fix on cattle shipments would be unreasonable. This court will not prohibit it from going forward and fixing such a rate in the absence of such proof. To do so would be a great injustice to the state."

WOOLWORTH CLOSES.

Mr. Woolworth closed for the plaintiff in a rather elaborate argument. He insisted that the supplemental bill was correctly on file; that while under the English equity practice it might be that the bill should be stricken from the file, the practice in this country does not require that to be done. He also combated the contention of the attorney general that the relief sought should be applied for in the form of an independent action and not by a supplemental bill. The decree in the maximum rate case, he said, was ambiguous—that it was susceptible of more than one construction was clearly evidenced by the arguments which were made upon this hearing; that it was the duty of the court in such a case to interpret its own decree, and to enforce it according to that interpretation. He contended that the law of 1893, insofar as it gave the board power to fix rates, was inconsistent with that part of the law of 1887 which conferred that same power on the board, and hence that it repealed by implication the law of 1887 so far as that law gave the board power to regulate rates.

PEPPER'S SON KILLS HIMSELF.

Leaves a Letter to His Father Saying He Was Tired.

Kansas City.—(Special.)—J. Sherman Pepper, son of W. A. Pepper, former United States senator from Kansas, was found dead in a rooming house here. On the bureau was found a box that had contained morphine and a note reading: "Father: I don't like to do what I am doing, but I am tired." In the dead man's pockets were found several typographical union working cards, one from St. Louis, where he was employed last October, and another from the Topeka union, where he had recently been employed on the Capital. Pepper was about 30 years old and was a linotype operator. He entered the rooming house at 11 o'clock last night and when found had evidently been dead for several hours. When last seen he seemed to be laboring under suppressed excitement. He was known to be despondent.

SOLDIERS DESERT THEIR WIVES.

San Juan, P. R., March 20.—San Juan claims the record for the youngest divorce suit in American territory. Rosalia March, aged 13, has consulted lawyers on the subject of obtaining a separation from Albert March, aged 24, a member of the signal corps, whose home is at Benton, Me. They were married December 12 and March was ordered February 4 to Fort Meyer. He left his wife destitute and she has written to him both at Benton and Fort Meyer and her letters have not been answered. There are no divorce laws in Puerto Rico and the young wife is waiting for the United States to enact such laws. Similar cases are plentiful.

The time you spend with your children is never wasted.



THREE YEARS OF MCKINLEY.

(From the New York Journal)

MARCH 4, 1897. William McKinley took the oath of office, loaded with every gift of the gods. He followed an administration whose failure had been so subject that the most ordinary accomplishment of routine work would seem glittering success by comparison. The times were so bad that any change could not help being for the better, and anything resembling general comfort would shine as brilliant prosperity, for which the new administration could take credit.

Mr. McKinley had carried every northern state east of the Missouri river and had made inroads upon the democratic strongholds of the South. He was backed by a congress in which his party had a clear majority in the senate and 292 members against 155 of all other parties in the house.

MARCH 4, 1896. In his first year, indeed in his first month, President McKinley called an extra session of congress to fulfil his obligations to the protected interests. The Dingley tariff law was passed, and immediately superseded the original McKinley tariff as "the culminating atrocity of class legislation." No such measure had been expected by the country, which had voted upon the financial question, not upon protection. Nothing was done during this year to carry out the promises of the campaign of 1896.

Through all this time the question of Cuba had been growing constantly more urgent. The horrors of Weyler's reconcentration policy had moved the American people to a tempest of pity and wrath. But still the president refused to act. The Journal's rescue of Evangelina Cisneros brought the real meaning of the Cuban inferno home to the American imagination. The De Lome letter strained the diplomatic relations between Spain and the United States, the revelations of senators and representatives who investigated the Cuban famine for the Journal almost carried congress off its feet, and finally, on February 15, 1898, the destruction of the Maine snapped the last possibility of peace. But on March 4, at the end of his first year in office, President McKinley was still holding out.

MARCH 4, 1899. A kaleidoscopic change. During this year we fought and won the war with Spain. Cuba was free and the Spanish colonial empire extinct. We had expanded, Hawaii had been voluntarily annexed, and the Philippines, Puerto Rico and Guam taken away from Spain. But the country was not entirely satisfied. The courage and enterprise of our soldiers and the superb efficiency of our navy had given us an easy victory over Spain, but it was felt that lives and money had been wasted by political incompetence or corruption at Washington. It was felt that the hand at the helm was not firm, Alger was only a symptom. "Algerism" was inherent in the methods of the administration.

And in getting out of one war we had been plunged into another. The president's representatives in the Philippines succeeded in getting us into hostilities with the Filipinos which are not yet over. This war was fresh when McKinley ended his second year. It was only a month old, and the country, still confidently relying upon the pleasing Otis bulletins, looked every day for Aguinaldo's submission.

Another year had passed without any attempt to carry out the republican promises on the financial question. The promise to "take no step backward" in the matter of civil service reform had been cynically violated by an order restoring thousands of offices to the spoils system. The authority of Hanna in the White House and the power of the trusts over the administration were causing mutterings of discontent even among loyal republicans. The elections of 1898 showed that the administration was losing popularity. The republicans gained a majority of only thirteen in the new house, and the democrats almost recovered the state of New York, notwithstanding the fresh martial glory of Colonel Roosevelt.

MARCH 4, 1899. The war in the Philippines has lasted another year. General Otis reports that it is over, but the country knows the reports are not true. It is becoming sickened of methods that have created a running sore where we ought to have a healthy American territory. Puerto Rico, prosperous under Spain, has fallen into distress. All the officials who have investigated the conditions there say that what the island needs is free trade with the United States. President McKinley urged that this should be granted, but immediately yielded to the pressure of protected interests and consented that the Puerto Ricans should be subjected to unconstitutional taxation for their profit.

The president has allowed his secretary of state to conclude a treaty with England binding us to keep the Nicaragua canal open to our enemies in time of war and inviting the powers of Europe to interfere and see that we do not try to get out of our bargain. This astonishing secretary boasts that he has revived the dead Clayton-Bulwer treaty, and made it possible for us to have an American canal even if we reject his arrangement.

The power of the trusts has become appallingly manifest within the past year. The Standard Oil company has declared a quarterly dividend of 20 per cent—equivalent to \$80,000,000 a year, or 4 per cent interest on two billion dollars. The Carnegie Steel company's profits for the current year are over \$40,000,000. In the face of all this the republican party continues to legislate for the benefit of massed capital. It has just passed a bill establishing the gold standard, with the purely gratuitous addition of a provision perpetuating the national debt in the interest of the banks. Under this measure the government is to give the bankers \$80,000,000 in cash as premiums on their bonds instead of paying them off. At the same time it is to reduce the tax on circulation and pay the banks for issuing notes which it could better issue itself.

HAUL UP THE RIGHT FLAG.

Nay, haul up the flag—raise it high— Not yet in its spirit spent! Let it sing in the wind and the sky The truth that it always meant! Let it sing of the blight of man, Of progress that never can lag. Let it sing that trade may go where it can, But liberty follows the flag! Yes, haul up Old Glory—but comrades, take heed! That no man shall part the old flag from the creed! —Anon.

IT PAYS BETTER TO KILL THAN TO DEVELOPE.

If there were as much money to be made by developing the resources of the United States as in seizing ready-made foreign possessions and slaughtering their people into submission, William McKinley would issue a call for troops sufficient to enforce the development of every foot of it. Says the Washington Times upon this point:

"There still are many millions of acres of land entirely uncultivated between the Mississippi river and the Pacific ocean and the Canadian and Mexican borders, which, as Senator McEnery said in the course of the debate on the Philippine islands, could easily be made productive if the money we are spending in the cause of imperial expansion were paid out for irrigation and kindred works.

"Instead of wasting valuable lives and good dollars in the far-away islands which at their best are unfit for a white man with sound body and mind to live in, why do we not redeem this vast territory on our continent? The so-called great American desert can be made to 'blossom as the rose,' as has already been practically demonstrated in other regions quite recently. All that is needed is a water and a little patience.

"The Philippines are already quite densely populated. Altogether their area is but little more than twice that of the state of New York and the inhabitants number but little short of twice as many as those of this great commonwealth with the second largest city in the world within its borders. What room is there then for newcomers in this far-away Oriental region?"

"It may be the destiny, as well as the duty, of the government of the United States, impudently by William McKinley, to depopulate these islands by means of the bullet, but after abundant room has been made for men of our own race, will they settle down there, or if they do, what will become of them?"

PREPARING FOR EMPIRE.

President McKinley desires an early adjournment of congress, because he believes it will operate to the advantage of the republican party in the coming campaign. It will certainly put an end to the flood of resolutions charging high officials connected with the administration with offenses against the public welfare, which have been pouring into the house and senate almost daily since December. The Philippine question can also be dodged and left open, as it is at present.

This will leave him a free hand to carry out his imperial policy, and when congress reassembles the thing will be done, the flag raised and cannot be hauled down.

Chicago has an officeholder who objects to having his name lightened. The wonder is that he didn't die young.