

The Independent.

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A Word with the Farmer

Why He Should Help
Elect Judge Sullivan to
the Supreme Bench.

There is just one issue in this campaign. It is the agricultural interest against the trusts and the railroads. There may be side issues, but they all finally verge in this one. Take the new revenue law which is producing so much discussion throughout the state. That is a question of whether farmers shall pay all the increased taxation necessary to pay off the state debt, which has increased so fast since the republicans got back into power, or the railroads shall pay their just proportion of it. The effect of that law will not be felt until next year, but the farmers, after they begin to pay their taxes, will see what it means. Under the new law, no one has a word to say about what the railroads shall pay except a few state officers whom the railroads hope to select in advance of conventions and then elect them.

The thing that presses now is the exactions of the meat trust. Cattle men stand on the verge of bankruptcy today. The price of cattle is such that it means loss to the producer. The men who generally feed cattle are at sea. They don't know what to offer feeders. They say that feeding cattle now is as uncertain as gambling in stocks. The meat trust buyers meet every night and fix the price of cattle for the next day. If they fix at a losing rate for the cattle man he ships to another place, the buyers there are informed in advance, and he is offered a still lower price. The feeder, therefore, if he does not want to risk bankruptcy, must buy his feeders on a very wide margin. The loss falls on the cattle raiser.

The railroad rates on cattle have been largely increased during the last three or four years. What is paid the railroads in extra freight charges comes out of the men who raise cattle. The city dweller is about equally interested in this business for notwithstanding the fall in the price of cattle there has been no reduction in the retail price of meat. We are paying now as much or more for meat than we did when cattle were at the highest notch.

From this condition there arises two opposing interests. On the one side is the farmer and the city consumer and on the other side are the railroads and the trusts. The railroads have just as good a right to go into this campaign and elect their man if they can, as the farmer and city consumer have to elect their man. The railroads are in politics and have a right to be there. They will fight for their own interests and have a right to fight for them. There is no sense in denying it. The farmers and city consumers should also go into politics and fight for their interests. That is what The Independent advises them to do. Vote for their own interests.

Not only are the cattle men interested in this fight, but the grain raisers as well. The railroads and the elevators are in a combination to fleece the farmers on the price of their grain. There is a desperate effort being made by the farmers to get elevators of their own. In a few places they have succeeded, but after they get their elevator they have no means of finding out how much rebates the trust elevators get. Out at one town the farmers bought an old mill site to which a side track ran, built an elevator and filled it with grain. When they wanted to ship it, the railroad refused to put the cars on that side track and the farmers had to run the wheat into wagons, haul it over to the other track and shovel it into the cars. Law suits concerning such matters will come up to the supreme court for adjudication, and the roads have selected a man, who for fifteen years served them faithfully as an attorney, to decide such cases for them when they reach that court. As they pay their attorneys by the year and it costs them but little, they take most of the cases that go to the supreme court. If they have that court, they have the whole thing.

There is nothing in this campaign but this contest between the interests of the agriculturists and the interests of the railroads and elevator trust. That is all there is to it. The man who has not sense enough to vote and work for his own interest instead of

that of the great corporations which exploit him should pay the bill without grumbling when pay-day comes.

On which side of this contest are you going to enlist?

Why

Why does Roscoe Pound, dean of the college of law, by the grace (or disgrace) of populist and democratic regents, receive from the Lincoln Traction company free transportation? What possible advantage can he be to the traction company, now that he has resigned as member of the supreme court commission? It is not difficult to surmise why Judge Pound should be given those useful little books of yellow (free) tickets—but why should Dean Pound continue to receive and use them? A round trip each day saves him \$3 a month car fare—\$36 a year, or enough to buy a fairly decent tailor-made suit. Why shouldn't the traction company buy him a suit of clothes, if his salary as dean is inadequate, and let him pay his car fare?

Saunders County

Saunders county assessors in 1903 made an increase of \$192,243 in the assessed valuation of the property of farmers and business men of that county, over the figures for 1902. The

republican state board made an increase of \$1,900.51 in the assessed valuation of railroad property. In other words, for every hundred dollars of increase made by the assessors, the state board added less than a dollar to the railroad valuation. Last year the rate of state tax on Saunders county was 7½ mills, making a total of \$26,202.07 in state taxes charged against her. This was divided as follows:

Railroads	\$ 4,108.75
Others	22,093.32

The railroads thus were charged with 15.6 per cent of the taxes in Saunders county in 1902. This year the rate is 9½ mills, to provide funds for republican extravagance, making a state tax charge against Saunders of \$35,033.65, divided as follows:

Railroads	\$ 5,222.47
Others	29,811.18

And this time the railroads are charged with only 14.8 per cent of the taxes. The increase in railroad taxes this year is 27.1 per cent; in farmers' taxes, 34.9 per cent. Same railroads; same farms! And in a county where the populists stayed at home, allowing the republicans to capture the county, because "there was nothing to vote for in the campaign of 1902." That corn-shucking election day cost them over \$7,700 in additional state taxes—to say nothing of county taxes—and the end is not yet. Wait till the new revenue law gets to working!

Populist Journalism.

A Proposed History
—of—
The Populist Press.

Twelve years ago the American Nonconformist, then published at Winfield, Kas., prepared a reform press directory which was published in the columns of that paper. The Nonconformist was then 12 years old and was conducted by H. & L. Vincent; later it was removed to Indianapolis, where it finally passed into the hands of Prof. C. Vincent, who some years ago brought it to Omaha. Later Prof. Vincent changed its name to the Central Farmer, and quite recently it was consolidated with the Farmers' Advocate of Topeka.

A copy of this directory, clipped from the Nonconformist of some time in May, 1891, is in possession of The Independent, by courtesy of Thomas Davis, of Macon, Ill., one of the Old Guard. There are the names of something like 500 populist papers, a considerable number of which are in existence today, notwithstanding the assertion that the populist press has been annihilated. It is the intention of The Independent to use this list as the basis for compiling an up-to-date directory of present-day populist papers, and as far as possible to trace the history of those named in the list of 1891 which have suspended, removed, or changed name or politics.

A marked copy of the issue containing this notice will be mailed to the

Nonconformist list of 1891. The editors of The Independent would appreciate the courtesy of a reply from the person whose hands the marked copy reaches, with the following information:

Present name of paper, postoffice, county, and state; present size and whether "all home" or ready print; day of publication; subscription price by the year; approximate circulation; volume, number and date of latest issue; present owner, present editor, and present political policy of the paper.

In addition to this, the editors of The Independent would appreciate the history of the paper, following this plan: When originally established; under what name; by whom as proprietor and as editor. Then note all changes of name, ownership, editorship, and editorial policy, giving approximate dates as far as possible.

If the responses to this warrant it, The Independent may decide to compile a history of populist journalism for the benefit of the reform press meeting which will doubtless be called for St. Louis in February next year. By following the general plan outlined above, a great saving of time will be effected for the compiler. Address all communications to this project to

THE INDEPENDENT,

Directory Dept. Lincoln, Neb.

People vs. Railroads

Where the Two Candidates Stand—A Leaf from the Records.

It is generally believed that the railroads selected John B. Barnes to represent them on the supreme bench, just as John N. Baldwin and his railroad conferees selected "Our Man Mickey" some eight days prior to the republican state convention last year, and that the republican convention of 1903 submitted even more meekly to railroad domination than did its predecessor. However this may be, one need go no further than the official records to determine where each of the opposing candidates for supreme judge stands in the grand contest between the people on the one hand and the railroads on the other. The agricultural interests of Nebraska have never asked anything but simple justice, and they have always given heed to the cry, "Don't do anything to hurt the railroads; they are a good thing—they build up the country." Strange to say the farmers have kept this in

mind to the extent of forgetting that they themselves were of any moment in the building up of a state.

Railroad interests never want justice. They are not looking for that. They must have the under hold every time. With a farmers' judge on the bench, the railroads always get justice; with a railroad judge, the farmers always get injustice—and the railroads profit by it. One has only to read the various court reports to learn the truth of this.

John J. Sullivan, the populist candidate for supreme judge, is at present chief justice of the Nebraska supreme court, having served almost six years. His republican opponent, John B. Barnes—for some fifteen years a railroad attorney—was appointed member of the supreme court commission to succeed Judge Sedgwick. As commissioner, Judge Barnes writes opinions in cases argued before the depart-

ment of which he is a member. These come before the supreme court afterward for adoption or rejection, if adopted by two of the supreme judges the commissioner's opinion becomes decisive.

The case of C. B. & Q. R. R. Co. vs. Martelle, 91 N. W. Rep. 364, shows exactly where the two candidates stand in the inevitable and irreconcilable conflict which is constantly going on between the people and the railroads. There is no mistaking Judge Barnes' predilection in favor of the railroad; there is no mistaking Judge Sullivan's attitude in favor of the people. Let us investigate this case:

E. H. Martelle had on January 9, 1898, bought a ticket and boarded a freight train at Schuyler, Neb., bound for Adholm in Butler county. When the train reached Adholm it slowed up, but did not stop. Martelle, fearful of being carried to the next station, jumped off, and was injured. He sued for \$5,000 damages. The case was tried before Judge Bates in the district court of Butler county. The jury awarded him \$3,500; and, of course, the railroad company brought the case on error to the supreme court.

It was assigned for hearing to department number 2, and upon Commissioner Barnes devolved writing the opinion. Commissioner Pound concurred, and Commissioner Oldham dissented, each in a separate opinion. When it reached the supreme court, Judges Sedgwick and Holcomb approved the Barnes opinion, while Judge Sullivan held with Commissioner Oldham and filed a dissenting opinion. In this dissenting opinion Judge Sullivan says:

"In any view of the case, I think the trial court did not err in submitting the question of contributory negligence to the jury. There was, of course, some risk in getting off the train while in motion, but the act was not so obviously rash and foolhardy as to amount necessarily to criminal negligence.

"Criminal negligence" is a convenient phrase to indicate that the degree of care required by the passenger is small. As defined by this court, it means such gross negligence as amounts to a reckless disregard of one's own safety, and willful indifference to the consequence liable to follow.

"In my judgment, it was for the jury to determine, from its knowledge of men and of the motives that influence and control human conduct whether the act of the plaintiff was, under all the circumstances, within the definition quoted. To say that a strong, active and experienced man, who, to avoid being carried beyond his destination, gets off a slowly moving train, or a train moving with small velocity, is in every case foolishly heedless of consequences, and willfully indifferent to his personal safety, is to assert what every man accustomed to travel knows from his own experience and observation to be untrue.

"I readily concede that, from the facts which the evidence in the record tends to prove, criminal negligence might be reasonably inferred, but I deny that the inference is a necessary and inevitable one. If the plaintiff had not attempted to alight, and had gone on to the next station, I think his conduct would be generally regarded as unusual. It would probably stamp him in the opinion of most people as overcautious and somewhat deficient in ordinary courage.

"It would perhaps be better that passengers should submit to the inconvenience of being carried beyond their destination, rather than take the chance of being injured by alighting from a moving train; but we are dealing now with conditions, and not with theories.

"It is a question of what men actually do in the situation in which the plaintiff was placed by the fault of the company's servants, not what the theorists think they ought to do.

"It seems to me perfectly plain that the criterion by which the plaintiff's conduct has been tried in this court is a false criterion.

"The standard man set up by the majority (Barnes, Pound, Sedgwick,