

The Norfolk Weekly News-Journal

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The Journal, Established, 1877.
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Northwestern Nebraska would profit very much in a financial way by the enactment of a legislative measure which has been introduced by Senator Randall. The bill provides that each county shall take care of its own schools and that the present plan of assessing according to the value of property in county and then allowing the state to apportion all funds according to the number of school children, shall be done away with. The bill would save Senator Randall's district annually in dollars and cents as follows: Stanton, \$982.67; Pierce, \$411.27; Madison, \$535.65; Wayne, \$1,500.86. The total saved for these four counties alone would be \$3,430.46.

CONFERENCE WAS A FIZZLE.

The conference which had been planned between railroad presidents and the president of the United States with regard to the railway situation, came in a little thirty-five minute between Mr. Roosevelt and Mr. Mellen, president of the New York, New Haven and Hartford railroad. It resulted in nothing new excepting the statement that something definite from the white house may be expected within the next few months, since the president is to make four speeches between now and the first of June. Neither the president nor Mr. Mellen consented to discuss their interview.

It is apparent that Mr. Roosevelt took the interview more as a chance to quiz the callers regarding the railroad situation than an opportunity to seek out means of relieving the railway men's anxiety over present conditions.

"When he has made up his mind and is ready to tell the public just what his attitude is on particular questions and specifically on the railroad issue, he will do so." This is the reassuring message from Washington.

And so, until he is ready, we shall have to wait for a definite idea on the railway matter.

VALUE OF PUBLICITY.

One of the marked results of the present political and industrial situation, has been the increased willingness and even desire of many financiers and railway heads to discuss questions of the day for publication. It is a striking sign of the increasing appreciation of the modern newspaper as a means of getting facts before the people which will have weight with them in forming their opinions.

For years men like Mr. Harriman fled from newspaper representatives. Today they are searching for reporters who will take their statements. They have come to appreciate the value of the press in carrying messages to the public which will have a bearing upon their views.

President Roosevelt has built up much of his fame by the studied use of newspaper publicity. The wonder is that many railway men who are just now beginning to give their sides of questions to the public through the public prints, had not discovered the value of this sort of thing before now.

Indeed these public men might well take a lesson from many of the business institutions of the country which have built up with newspaper publicity as their promoting agencies. Many a soda cracker has brought millions to its makers as a result of newspaper publicity judiciously and scientifically used.

Generalizations won't get results. Railway men and presidents, as well as makers of baking powder, must give hard, sound, convincing facts and arguments if they are to carry weight with the public. But where these detailed and logical arguments are given, the world is won, providing the arguments be based on justice and right.

This awakening to the value of newspaper publicity is just beginning. Merchants have to a certain extent recognized the power of the press in carrying convincing store messages and arguments for years. They are coming more and more to know the effect. They are coming more and more to know that sound arguments, properly set forth, will carry weight and get results.

The true worth of publicity as a means of reaching the public is getting recognition it never got before.

ONE TENDENCY.

The attitude of the administration and of many of the great thinking men of the nation today with regard to the need of greater federal control, carries with it, as a side and inseparable doctrine, the view that United States senators ought not to be elected by a direct vote.

The idea of the fathers who built the constitution was that members of the upper house of the national congress ought to be far enough removed

from a direct vote to be protected from momentary prejudices and from unfair popular sentiment which might spring up and wipe out really able and efficient statesmen from the senate.

It is admitted on many sides today that state legislatures have gone to a severe extreme in much of their industrial legislation. They have exceeded the most drastic work of an energetic congress under the guidance of the president. The fact that many hundreds of bills introduced at a session should all attack in one way and another the same industries, shows that there has been an excessive desire to venture into radical paths.

In the heat of the excitement accompanying this desire to attack, no man, however capable, could be elected to the United States senate by a direct vote who had not jumped to the crest of popular sentiment wave for his ride into office. A sterling statesman, differing in his views from the extreme position taken by the general public, no matter how conscientious nor how well founded on sound political economy, would stay at home if a direct vote, cast at the moment, were to decide.

Calmer judgment, a year afterward, would bring conviction that a really worthy representative had been tossed aside.

A positive stand, taken in the senate, which did not chance to coincide with the idea held by the majority at home at the moment, thought it might be the wise position, would cost a toga. More deliberate judgment, however, on the part of a few men who could get closer together in discussing the situation and who could more truly analyze because of longer period for consideration and investigation, might show that the statesman in question had earned his re-election by the very attitude which, put to popular vote on the instant, would mean his crucifixion.

The idea that federal control is more conservative and more reasonable than state regulation, subject to bias and bitter prejudice, is a twin brother to the doctrine which our forefathers upheld when they voted to allow the congressional lower house representatives to be elected by direct vote, in order to get local color, but to remove the senatorial toga from punishment for deeds done conscientiously and with judicious soundness which, though it might be momentarily misconstrued and thus cost a seat, would prove in the long run to be logical and right.

THE CITY TICKET.

Mr. Sturgeon from now on will be at home all of the time. In the past he has been out on the road much of the time but from now on his business will keep him in Norfolk, so that he could attend to the duties of the mayor at all times. Mr. Sturgeon has been in business in Norfolk for nineteen years. He has been one of the pioneer business men to build up this city. Always a booster, he has pushed ahead and helped to make Norfolk known in the northwest. He has never run for an office in his life. He takes the nomination with no strings attached. He promises to do his best to give the city a good administration. His friends have confidence in his promise and believe he will be Norfolk's next mayor.

Chris Anderson, nominee for city clerk, is a Norfolk young man. He has grown up in this city. Despite his protest he was made the nominee, because he was recognized as a young business man of ability. He has a very large circle of friends and he will be elected. The republicans, having defaulted in this office last year, are entitled to it this spring. Mr. Anderson is a fit candidate in every way, clean-lived, honorable and painstaking. He will make an excellent city clerk, reliable in every way and an honor to the office.

Mr. Kiesau was nominated for city treasurer by acclamation. Conversant with city business as a result of past terms in the council, he was selected by the convention as a proper candidate for this important office. A careful and conservative business man, his qualification for the place will appeal to the voters with force.

For police judge, Mr. Elseley was a worthy nominee. An old pioneer in Norfolk, who has done much to build the city into its present prosperity, he is now entitled to this compliment at the hands of his neighbors. He has served well in the capacity of justice of the peace, and is fitted for the position of police judge.

At this time, with the serious problem of rebuilding Norfolk's high school structure which was last Sunday destroyed by fire, the interests of the school district and the city require keenest interest in the management of the affairs placed in the hands of the board of education. With particular attention to this emergency demand, the republican city convention selected its candidates for the board of education election. This is one of the positions which has no inducement to offer, but it is realized that it is a duty for able men to accept the place

and that the office should be passed around in order that the burden be not bunched. Two attorneys and a keen business man—Messrs. Tyler, Hazen and Parish—were nominated and their fitness for the board of education is well known by Norfolk people.

For the city council four good men were named. Messrs. Garvin, W. H. Bridge, James Lough and Pat Dolan, are representative business men and their neighbors know that they would give Norfolk efficient service in a position which has little to attract candidates excepting public duty.

No word of attack can be offered against the standing of the entire ticket in the community. Its best effort at a good administration in all branches is its platform.

SAYS STATES EXCEED RIGHTS.

On a trip from Norfolk to Bonesteel today, a passenger may pay three cent per mile or two cents per mile. By purchasing a through ticket he will pay three cents per mile. By purchasing a ticket to Anoka and then, after that, paying cash fare to the conductor into Bonesteel, he may get a ride from Norfolk to Anoka at the rate of two cents per mile. It is said that the conductors lose their tempers over the tangle. But a report from Washington indicates that the tangle will be unraveled before long by no less a personage than President Roosevelt. He holds to the opinion that Nebraska has violated the national rate law, passed last winter, by legislating in such a way as to create a discrimination. He believes that Nebraska legislators have created a condition unfair to South Dakota people when they passed a law allowing a passenger in Nebraska to ride for less money than he can ride in South Dakota.

As a result of this law passed in Nebraska, and others like it in other states, the president will, it is said, start a suit against railroads for discriminating by allowing people and freight to ride in one state cheaper than in another. The railroads will answer that they are obeying state laws. Then the clash will come between state and federal power, and President Roosevelt believes that the national government will win.

President Roosevelt, it is said, believes that the state legislatures, in their onslaught against railway corporations, have demonstrated their inability to deal with the question. He believes they have exceeded their constitutional authority. He believes he will win his point and that as a result commerce, interstate and intrastate, will be regulated by the federal government. State lines, he thinks, will be wiped out so far as commerce is concerned.

Mr. Stieckney already has a case in the supreme court, which will probably be reached next fall, touching this question of power as between state and federal government. But the president, it is said, plans to hasten a decision.

Mr. Roosevelt is reported to feel certain that the courts will sustain his contention that the federal government has exclusive control over all traffic matters, whether interstate or intrastate, because of a decision by Chief Justice Marshall early in the last century in the case of Ogden vs. Gibbons. In that case the supreme court held that a steamboat plying between New York city and Albany was engaged in interstate business, notwithstanding it did not go outside the waters of New York state.

President Roosevelt is said to agree absolutely with Mr. Stieckney of the Chicago Great Western, and other railway presidents, that various states have no right to legislate regarding traffic affairs.

The president believes, it is reported, that such laws as have been passed in Nebraska and other states regulating traffic are null and void and will be held unconstitutional by the courts.

It is also reported that the president, with Mr. Harriman, believes that the portion of the Sherman anti-trust act relating to railroads must be repealed so as to allow roads to pool in order that there may not be discriminations.

A Washington report says that this action of the president, toward testing the federal power, has come from the fact that legislatures in Illinois, Nebraska and other states have run wild on the railway problem during the past winter.

It is announced that a message announcing these views of the president may be expected soon. It is also said that the railway presidents may decide, after all, not to confer with the president because the country has, in a general way, looked upon their outline visit as an appeal on their knees when they intended it merely as a conference at which they could discuss the situation now so paramount.

THE SCHOOL BONDS.

There is a pretty definitely outlined protest growing in Norfolk against any plan for the new school building, to replace that destroyed by fire, which

does not contemplate the use of walls and foundation as they still stand. If the \$24,000 bonds asked for by the board of education are to be carried at the coming election, the public must first have assurance that these walls and the foundation will be used as they stand. Men in a position to know, claim that the walls and foundation can be used without first being torn down. As yet no definite action has been taken by the board of education as to the plans of the new building which must be erected. It was informally suggested, however, at the meeting held after the fire, that a smaller and differently planned structure, for the use of high school students alone, would be more practicable than to rebuild the old structure just as it stood. It was stated that the interior arrangement of the old building had been demonstrated to be unsatisfactory in several respects and that it is more satisfactory to have the high school in a building by itself. The plan, as then informally outlined, was to add to other buildings in the city the rooms that would be required to take care of grades lower than the high school which formerly occupied rooms in that building.

It (may be) pointed out in opposition to this theory, however, that the walls and foundation as they stand today are worth, if the building is replaced with the same foundation and walls, at least \$10,000.

It is urged further that to tear down the walls will not only cost their value as they now stand but will make additional expense, since the pressed brick would have to be carefully handled and cleaned.

There are several fundamental reasons why the high school should be rebuilt so as to use the walls and foundation as they stand. In the first place, the former high school structure in point of architecture was as pretty a shaped building as there was in the state. It was well built and the stone foundation is said to have cost \$7,000 or \$8,000. Two of the walls that are standing are in almost perfect condition, the pressed brick work being of a superior quality.

It would seem that if the property belonged to a private individual and these children were his wards and these taxes his to pay, there would be little question but that he would rebuild the high school exactly as it was before, unless experience has shown that interior arrangements are wrong, in which case changes can be made without changing the outside walls.

No doubt the new building should have steam heat instead of the Smead system and as the sewer system will soon be near enough to this building to connect with, there will be no necessity of rebuilding the dry closet system. This will give considerable additional room in the basement which can be used for manual training or for any other purpose that it would be suitable for.

It would be a very serious matter at this time to have the school bonds defeated as there is barely enough time to complete the building for next fall, but from public opinion expressed about the city it seems doubtful if the bonds carry unless the old walls and foundation are to be used as they stand.

It is stated that to replace the building as it stood would cost \$40,000. There is \$15,000 insurance, the bonds will mean \$24,000 and the salvage in the walls and foundation, if used as now standing, will amount, it is claimed, to \$10,000. This would make a total of \$49,000. The loss on furniture, books, etc., amounted to \$8,000. To replace the building and the equipment would therefore mean practically all of these available funds of \$49,000.

It is safe to say that Norfolk will much prefer to have the old walls and foundation used as they stand, and to have a building similar to that which burned instead of a smaller and less beautiful structure.

And there is one new feature which ought to be considered. A bill has been introduced in the legislature by Senator Randall providing for a county high school in each county, and requiring a school district to contribute toward its support in accordance with the number of pupils sent to it from that precinct. The Norfolk high school building could well be rebuilt on the old walls and plans, too large for the present needs of the high school alone, with this county high school in view, so that in case this bill becomes a law, and in case Madison county sees the advantage of establishing a county high school here in Norfolk, the big structure could be used for both city and the county high school purposes.

UNWRITTEN LAND LAW.

The United States government, through its officials who have held office in the interior department for the past score or more of years, is responsible to a large extent for the land prosecutions which have just resulted in sentence being passed upon two prominent cattlemen of western Nebraska. If there have been laws violated, it is probable that legal eyes can see that fact alone. But there has

been for decades an unwritten land law in the west, placed in the unwritten but established code by the very approval of the federal government's officials, and the government itself must now assume responsibility for that situation.

Western sandhills, arid and nonproductive, drove would-be settlers, broken in purse and spirit, back to their wives' relation years ago. The lands were left unoccupied, desolate, uninviting and stretching out over broad hundreds of miles of waste.

For cattle in mammoth herds those lands, with here a tuft and there a tuft of grass, were of some use. The government officials, recognizing the lack of value in the lands and willing that the acres should be used in any possible way, established an unwritten law allowing cattle to be turned loose on those prairies. It was not a criminal who thus pastured out his herds. He was a benefactor to the western part of this state because he established an industry that could not be established except where mammoth tracts of the sandhills could be used, and he did it under the government's approval.

To establish herds of one blood, it was essential that the breeds be not mixed. To prevent mixing, the herds must be kept separate. To keep them separate, either the too expensive process of constant guardianship or fencing was necessary. Fences built up herds that Nebraska was proud of.

This using of the public domain may have been against the law. The United States government did not enforce that law for years and by non-enforcement taught western Nebraska to do what it did. It may have been illegal, but the government must take its share of the blame if it was illegal. And that the spirit of the situation was right is attested by the recent enactment in congress of a public land leasing bill.

Those western cattlemen had no intent at stealing public domain. They were using acres in the only way they could be used, which otherwise lay idle.

The government has called these men thieves. They have been tried in the courts and persecuted in the magazines and newspapers. They have been convicted before juries which had been biased by passionately written articles against the defendants.

A law that is not enforced is a bad law at best. For thirty years the United States government was aware of just what was going on and the government taught the west that there was an unwritten law just as it has taught the south that there is an unwritten law which offsets the fourteenth amendment to the constitution.

Concerning the case, Mr. Comstock, who has just been sentenced to a prison term, had this to say before sentence was pronounced:

"It is possible at this time properly to explain my position in these matters, inasmuch as when this case was tried no defense was presented. In these land transactions we were acting under and by the advice of high in his profession, but, possibly by reason of his familiarity with the practice and customs of the land office, was more capable to give an opinion on the United States land laws than any man in the state. His advice was that we were not only clearly within our legal right, but also our moral right, as having prevailed in the interior department for the last thirty years at least. This opinion of his was corroborated by the interior department itself in its action in the Pearman case. In this an investigation was made by a special agent of the government in an affidavit obtained showing the exact parallel condition to this case, in which we have been recently tried, and the interior department acting, as I understood at the time, under the special direction of Secretary Hitchcock, immediately ordered a patent issued for the land. Relying on this opinion from two different sources, I felt that I was doing nothing but what was clearly within my rights, for certainly the further thought from my mind was that in any of these transactions I was disobeying the laws of my country. For we feel that we have a right to depend upon our legal advisers, as well as upon the interior department itself. It has been my desire to so live that when my allotted time should come people would say that I had always tried to be fair and just and do what was right. You, the judge of this court, in carrying out your duty, cannot inflict a punishment that will cause me to feel more deeply the humiliation, and this brought about without any intention on my part of disobeying any law. I would especially ask for your leniency because one of the defendants, Mr. Jameson, who is not a free agent in these matters, simply a subordinate, but doing what he believed was right, knowing and relying upon the opinions I have outlined. No man of my acquaintance has a greater sense of honor and integrity than he has."

After Mr. Comstock had concluded Judge A. W. Crites of the counsel for the defense said:

"Your honor, I wish to corroborate all that Mr. Comstock has said. It has been the practice in that country for more than twenty-five years to acquire land in the general method with which the defendants are charged. I know this to be a fact from many years' residence in that section and as a former land official. This practice has been observed with cognizance and knowledge of high officials and with the approval of the government. I have known these leading defendants for many years and their people before

them in a business way for many years. No man can be farther from the intent of wrong-doing. These practices have been tolerated for many years by the interior department, these defendants supposed they were doing right. The case referred to by Mr. Comstock is identical in character with that of which these defendants are charged, and it is known by all men that these decisions have been accepted as the basis of the land laws. We cannot attack the verdict of the jury because your honor will not permit it. All these defendants wanted to know what is the law and how to obey it."

AROUND TOWN.

Here's to the Norfolk lock!

Hot beds and the robins have arrived.

Can a horse laugh with its tongue pulled out?

The hens better begin getting busy on Easter eggs.

Pick out your Easter bonnet before you get it on straight.

The measles and buckwheat cakes are about over for this year.

An expansive billboard may cover a multitude of ugly back yards.

Now we can make up for a week's lost sleep. The prowler has left town.

Wouldn't Omaha be scared if she knew that naughty prowler had gone from here to there?

Human tongues come to the rescue when a horse's tongue is torn out and the animal becomes unable to say what it thinks.

It was a half wit who prowled around Norfolk houses at night, running away from the women and leaving silverware untouched.

If the newspapers followed all orders, from constables and others, to keep things out of print, there would be dry reading for the public.

A free press was one of the first institutions established by this government but Norfolk has a constable who forbids publication of cases tried in his court.

Notice.

Notice is hereby given to the qualified electors of the school district of the city of Norfolk, Madison county, Nebraska, that on the 11th day of March, 1907, at a special meeting of the board of education of said school district regularly called and convened, the following resolution was adopted by five of the six members of said board, to-wit:

"Resolved, That the following questions be and are hereby submitted to the qualified electors of the school district of the city of Norfolk, Nebraska, to-wit:

"Shall the officers of said school district of the city of Norfolk, Nebraska, issue the bonds of said school district in the sum of \$24,000.00 for the purpose of erecting a high school building in said school district and also to purchase the requisite amount of furniture to properly equip said building, said bonds to be dated May 1, 1907, due thirty (30) years from date of issuance with interest at the rate of 5 per cent. per annum, payable semi-annually, with the privilege to said school district of paying all or any portion of said bonds on or after 20 years from date of issuance?"

"In addition to the levying of the ordinary taxes shall there be levied and collected annually, as provided by law, for the payment of the interest on said bonds as it becomes due and an additional amount levied and collected, as provided by law, sufficient to pay the principal of said bonds at maturity, provided that not more than 10 per cent. of the principal of said bonds shall be levied in any one year and no levy shall be made to pay any part of the principal until at the expiration of ten years from the date of said bonds?"

The form in which the above propositions shall be submitted shall be as follows:

"Shall the officers of the school district of the city of Norfolk, Nebraska, issue the bonds of said school district in the sum of \$24,000.00 bearing interest at 5 per cent. per annum, payable semi-annually, for the purpose of erecting a high school building in said district and to purchase the requisite amount of furniture to properly equip said building?"

"And shall said officers cause to be levied a tax to pay the interest and principal of said bonds as they become due?"

Now therefore, said questions will be submitted to the qualified electors of the school district of the city of Norfolk, Nebraska, at the regular election to be held in said school district on the 2nd day of April, 1907, the polls to be opened from 9 o'clock a. m. until 7 o'clock p. m., and if a majority of the qualified electors voting at said election shall vote in favor of said proposition then the proper officer of said school district will issue the bonds of said school district for the sum of \$24,000.00 as above provided and shall cause to be levied and collected annually the special tax above specified to pay the interest on such bonds and the principal at maturity.

The electors who are in favor of said proposition shall vote as follows:

For High School bonds and tax. [X]

And those who are against said proposition shall vote as follows:

Against said High School bonds and tax. [X]

H. J. Cole, Chairman.
H. C. Matrau, Secretary.