

THE DAILY BEE

E. ROSEWATER: EDITOR.

The acquisit Fox has induced Barber to put his hand in the trap first.

The acquittal of Messrs. Healy and Walsh in Dublin yesterday is the first great triumph for the Irish Land League. May it be but the forerunner of many to come until Ireland for the Irish becomes no longer a cry but an accomplished fact.

SOME figures have been gathered by the bureau of statistics, showing the singular fact that there is fencing enough in the state of Indiana to encircle the world thirteen times. This is doubtless the result of the care bestowed by politicians in the late canvass. Fence mending has become politically historical.

THE first of the appropriation bills has passed the house, and \$100,000 has been devoted to the seacoast defenses. The next bill of importance which will be discussed is the Mississippi Improvement appropriation, which proposes to donate \$1,800,000 for the improvement of the Mississippi river, under the direction of the secretary of war, and in accordance with the recommendations, plans, specifications and estimates made under the supervision of the Mississippi river commission.

THE coffee trade is stagnant. The failure of the coffee and tea syndicate in New York will benefit the trade and cheapen the articles to consumers; and, besides the collapse of the eastern firms composing the syndicate, an unprecedented crop is arriving from Brazil. This will be good reading at two thousand Republican breakfast tables this morning.—Re publican.

That depends: If there are five persons at each breakfast table and each of them devours the *Republican* with his coffee, the above item has enlightened two thousand people. Otherwise it's only the four hundred and twenty city subscribers who have had these choice morsels dished up to them.

THE Chicago Inter Ocean, through its representative, Mr. J. W. Robins, is doing a great and useful work for Nebraska, as well as for the Trans-Missouri west generally.—*Republican*.

Two months before Paget and Stinchcombe skipped the country, pursued by the howls of the infatuated people whom they had imposed on in the rural districts by their advertisements, the *Omaha Republican*, through whose columns the bogus reviews were issued, announced that Paget and Stinchcombe were "doing a great and useful work for Nebraska." Praise from such a source is praise indeed.

TWELVE months ago Judge John F. Dillon resigned a life position as circuit judge of the United States to become the consulting attorney of the Union Pacific monopoly, and now Justice Strong has resigned his seat on the supreme bench of the United States, the most honorable position to which any lawyer could aspire, to accept the position of counsel to the Philadelphia and Reading railway company. What conclusions can we draw from these remarkable changes? The railroad kings, with their grip upon the throats of the producers of the country, can demoralize our judiciary by tempting bats to sit in the highest tribunals known to this government. Planted upon the great highways of the country the feudal barons of the nineteenth century say to the industrial and producing classes, "Hands up!" With princely incomes drawn from a levy upon the products of the country these robber knights of the railroads can afford to be very munificent in enlisting great lawyers and drafting even great judges from the supreme bench into their service. Such a spectacle cannot fail to awaken serious apprehensions in the minds of thinking men for the safety of this republic. With state and national legislatures bribed with passes and corrupted with promises of more valuable rewards, with our judiciary under obligations for their appointments or election, with the most exalted judges of the nation exchanging the sacred emblems for the livery of railroad kings, what will remain of this republic a quarter of a century, hence, except the name?

Of all aristocracies, the meanest, the most despotic and the most dangerous to human liberty, is the aristocracy of wealth acquired by lawless levies through chartered privileges. The people of Massachusetts revolted from England in 1775 for imposing stamp duties upon them without representation in the British parliament. What representation will the people of this country have in this government, if the railroad kings make our laws, dictate our judges and fill all the offices within the gift of the national government with tools and coppers, who have aided them in subjugating the people. The colonial stamp duties were a mere bagatelle compared with the duties and imposts which the people of this country pay to the Jay Goulds, Vanderbilts and Tom Scotts. Just think of it. Nine months ago Kansas Pacific stock was almost worthless, quoted at about five cents on the dollar. By consolidating that bankrupt concern with the Union Pacific and merging the stock of the two roads together, Jay Gould is now realizing 10% on Kansas Pacific stock.

For every \$100,000 invested in K. P. stock he has made a net profit on over \$2,000,000 without adding one dollar to the actual value of the road. And yet the Pacific roads, built by the government, use the nation \$84,000,000, besides a large amount of accrued interest. Let this man Gould and other railway kings continue in their career of rapacity unchecked, and what will hinder them from converting this republic into a set of provinces with vice-regents at every important railway centre?

AN IMPUDENT QUARTETTE.

The farce by which the impudent imposters who were defeated at the last election hope to rob the people of Douglas county of their representation in the coming legislature has begun. The sham investigation into the alleged misconduct which these cheeky claimants have conjured up is now in progress before His Honor Judge Riley. The cadaverous Baldwin who was set down upon by his own party in his own county and never did want a re-count, is the chief legal adviser, with Frank Walters and boozing Bennett as testimony scavengers. The chief contestant of the first day was Gates Barber, who, as we said several times before, is a splendid horse jockey, and who is a good deal more fit to superintend a race track than to make laws for the people of this state. This man was rejected by his own precinct by an overwhelming vote, and is beaten in the county by over one hundred votes. And yet he has the cheek to present himself in Omaha as a claimant to the legislature.

The quartette of imposters who are making this contest ailege, in their sworn petition, that sixty or more votes, cast in the First ward for them, were wrongfully and illegally counted for their opponents. This is a bare-faced lie, and they knew it was a lie when they signed the petition. Mr. Coutant himself was present at the count of the First ward, and so were others of the quartette. A recount of that vote, made at the instance of Mr. Coutant, failed to change the result in any particular and Mr. Coutant expressed himself as satisfied that the count was fairly made, as we are informed, by a reliable party. In the recount of the votes now, shows any other result, the ballots have been tampered with, and there is no use to disguise the fact. The constant absence of the county clerk is, to say the least, decidedly singular and leaves a most unfavorable impression, especially when it is borne in mind that the election of the man to whom the certificates were awarded was conceded by all, and for three weeks after the election no one said one word as to the pretended misconduct or any other irregularity.

The whole business is an infamous piece of legerdemain, concocted by an unscrupulous gang of politicians, and condemned by every decent man in this county, democrat or republican. When the legislature learns the true inaccuracy of this proceeding they will send the impudent quartette home with a rebuke that they will remember for the rest of their years.

JUDGE JEREMIAH S. BLACK enjoys a world-wide reputation as the foremost authority on constitutional law in the United States. His letter on the relations of the people of this country to the railroads, which we print elsewhere in full, has created a profound sensation. It presents the only logical and legal view of the American railway system in its relations to its creators, the people of the United States. The subsidized and brass-angled editors may pooh-pooh Mr. Black's declaration that the railroads are simply tenants at will exercising their privileges as public carriers over the people's highways. They can do nothing but grovel before the judge sitting in the highest tribunals known to this government. Planted upon the great highways of the country the feudal barons of the nineteenth century say to the industrial and producing classes, "Hands up!" With princely incomes drawn from a levy upon the products of the country these robber knights of the railroads can afford to be very munificent in enlisting great lawyers and drafting even great judges from the supreme bench into their service. Such a spectacle cannot fail to awaken serious apprehensions in the minds of thinking men for the safety of this republic. With state and national legislatures bribed with passes and corrupted with promises of more valuable rewards, with our judiciary under obligations for their appointments or election, with the most exalted judges of the nation exchanging the sacred emblems for the livery of railroad kings, what will remain of this republic a quarter of a century, hence, except the name?

A CURIOUS case has recently come to light in Salem, Mass., involving the right of a person to support himself or herself by honest work. A girl, 14 years old, escaped from an almshouse and obtained work for \$1 per day. The authorities discovered her whereabouts and returned her to the almshouse, where they insist upon keeping her as a pauper. The persons who gave her work declare their willingness to provide her with a home and steady employment, and intend to bring the case into court to see whether a strong, healthy girl can be compelled to remain a pauper against her will.

The Irish-Americans of Omaha have organized a branch of the Land League with a strong list of members and an admirable selection of officers. The meeting was enthusiastic, and the speeches made and the motions collected, show that Omaha is determined to be fully abreast of the rest of the world in aiding a rapid solution of the Irish problem. The Bar Association of the League, "God Save Ireland."

Pig Iron. The forthcoming report of the Cincinnati chamber of commerce by Superintendent Maxwell says of the market in that city, that it has been marked by a remarkable increase in the price of iron and steel, including dangerous stimulus and equally rapid decline. The total production of pig iron of the nine states tributary to Cincinnati were 876,000 tons, showing an increase of 150,000 tons over the preceding year. Of this increase Missouri made 37,000 tons, Michigan 31,000, Ohio 28,000, West Virginia 20,000, Tennessee 13,000, Indiana 11,000, Alabama 8,000, Georgia 4,000. Knob Creek shows a decrease of 1400 tons. The aggregate sales here of pig iron from first hands to go actually into consumption were 250,000 tons, an increase of 46,000 tons over the preceding year. The value of the business at the average price will be \$8,750,000.

RAILROAD REGULATION.

Judge Black's Letter to the N. Y. Chamber of Commerce.

A Strong Argument in Favor of Legal Restraint,

The special committee on railroad transportation of the New York chamber of commerce addressed a series of questions to prominent men in various parts of the country in regard to the right of railroads to regulate prices, and respecting other topics raised in considering the subject of inter-state commerce. The most important reply thus far received comes from Judge Jere Black. A synopsis of this letter has already been given in THE BEE, but on account of the interest which it has called forth the full text is given below:

YORK, PA., Nov. 16, 1880.
Committee on Railroad Transportation of the New York Chamber of Commerce:

GENTLEMEN—YOU propose a movement in favor of some legal regulation which will compel railway companies to perform their duties to the public on a just and equal basis.

I will answer your question as directly as possible, but without observing the order in which you put them.

You desire above all things to be just. The legally vested rights of railway companies, like other rights of property, are sacred, and no violation of them comes within the scope of your desire.

But on the other hand, railroads must understand their situation. They believe, or pretend to believe, that railroads are the property of the companies authorized to run them, which is a cardinal error, and the parent of much false argument.

A public highway cannot be private property, and a railroad laid out and built by the authority of the state for the purposes of commerce is as much a highway as any turnpike road, canal, or navigable river.

It is the duty of the state to promote intercourse and trade by making highways of the best sort through the territory. To this end she may take land and materials, which is an exercise of the power of eminent domain.

She can build a railway at her own expense, using the direct agency of her own officers, and after it is built, let it to a company which will charge a reasonable toll.

Or she can let it to a company which will charge a reasonable toll, and the state will receive a portion of the tolls.

She can delegate the taking and the taxing powers to a corporation or a natural person; and that is what she always does when she grants a railroad charter. But in either or any case the road belongs to the state, and the people have a right to use it upon compliance with necessary regulations and payment of the tolls.

The corporations who have got into the habit of calling themselves the owners of railroads have no proprietary right, title, or claim to the roads themselves, but a mere franchise annexed to and exercisable thereon. They are the agents of the state for the performance of a public duty. If the franchise is forfeited or surrendered, or if it expires by efflux of time, the corporation loses its right of road, and runs it itself, or employs a new agent.

The state, having need for a public highway at a particular place, makes a contract with a corporation to open and to maintain it to be used in any way by the public.

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