

THE OMAHA BEE.

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THE BEE PUBLISHING CO., PROPS. E. ROSEWATER, Editor.

CLEVELAND lost a new opera house, but she has been presented with a new senator. This ought to be some compensation.

JOHN SHERMAN has declined the presidency of the Northern Pacific, but he would jump at a chance to become president of the United States.

J. H. WADE, the richest man in Cleveland, has struck a splendid vein of gas on his premises on Euclid avenue. A rich man for luck, and a poor man for babies.

THERE'S music in the Colorado atmosphere. Ex-Senator Chaffee is stripping for the fray, and proposes to contest for the next seat in the senate with the bonanza millionaire, Senator Hill.

OUR old friend Lewellyn has called on President Arthur with a delegation of Jicarilla Apaches, who promise to be good Indians if they can only get double rations of distilled corn juice and sow-bully.

MISSOURI has no electoral votes to give to a republican president, but she is not at all backward in asking for offices. The Missouri congressmen propose to press the name of J. H. Thomas, of Plattsburg, for the surveyor-generalship of Wyoming.

THE Denver & Rio Grand has just been mortgaged for \$50,000,000 to the Union Trust company of New York. What it wants with so much money, unless it is to extend its system to San Francisco, is what will puzzle the future. The probability is that in case of such an extension it will be heavily backed by the Burlington.

THE Burlington, in its fight against the Union Pacific, will be backed by the Northern Pacific and the Atchison, Topeka & Santa Fe. The Northern Pacific considers the new move as much directed against itself as against the Burlington. The Central Pacific is on the fence, but will fall off on the side of the winner in the fight between the Union Pacific and Burlington.

THERE is no end of uses to which the surplus in the treasury can be put. Senator Hill, no doubt with a view of settling the problem of what shall we do with our money, has introduced a bill providing for the construction of a government building in every town in which the postmaster draws a salary of \$1,000 and upwards. This may prove a scheme of the senator to make himself solid with the postmasters of Colorado.

THE wrinkled front of grim-visaged war has not yet been smoothed. The new pool is yet an uncertainty, the transcontinental association is being shaken from center to circumference, the Chicago & Alton gives all the other roads the cut direct, having reduced its rates from Missouri river points eastward four dollars, and the Wabash, B. & M., and Pacific roads at Kansas City have met the cut.

DELEGATE LUJA, of New Mexico, has introduced a bill in the house, which is now before the committee, asking for an appropriation of \$20,000 to pay for the sitting of the New Mexico legislature. A large delegation of New Mexico citizens are in Washington advocating its early passage, as the legislature has not convened for three years. The people of New Mexico ought to muzzle that Lunatic. If they know what is good for them they will petition congress to save them from a legislative session by withholding the appropriation for the next ten years.

THE supreme court of New York has just rendered an important decision in regard to the law of libel. A newspaper published an article reflecting upon the personal character of Marie Prescott, an actress. Miss Prescott instead of suing the publishers, brought suit for damages against the American News company for having circulated the paper. The plaintiff obtained a judgment of \$12,000 in the lower courts. The case went to the supreme court, where it was reversed. This is a very proper result of the case. To hold a news company, whose business is the general circulation of hundreds of newspapers and periodicals, responsible for everything published in the papers it handles, would be an outrageous injustice. No news company could possibly examine every issue of the different papers and pass judgment upon the great variety of articles as to whether they are libelous. The newboys on the streets or on the railroad trains might as well be held responsible for the circulation of libels as a news company. To establish the principle of responsibility beyond the publisher and author would seriously cripple the press and prove absolute ruin to newsdealers and news companies.

AN IMPORTANT DECISION. The courts of this country are gradually beginning to enforce the well established doctrine that public corporations cannot make contracts that are contrary to public policy. For years it has been the usage of railway companies to give special rebates and reduced rates to one patron, to the detriment of another. The arbitrary exercise of this power has made the favored patron prosper, while his competitor in business was going down, and being driven into bankruptcy. It is very easy for the favored few to monopolize the entire traffic by underselling those who are frozen out.

A case, involving this very question of railroad discrimination and favoritism, has just been decided in the common pleas court of Cleveland. The case, which is one of unusual importance and general interest, covers a period of years. The Standard Oil refinery had gradually absorbed nearly all the smaller institutions of the kind. One firm resisted all efforts of the Standard monopoly to buy them out, but made a contract with the Standard to produce only a certain quantity of oil per year, but in 1882 the independent firm broke away from the contract. The Standard company brought suit but was beaten, the court holding that anything like the limitation of the supply for the purposes of affecting prices was monopolistic, and against public policy. Since then the defendants, Schofield, Shurmer & Teagle, have bitterly fought the Standard company. They claim that the railroads have invariably favored the Standard by the system of rebates in consideration of the Standard agreeing to ship certain quantities of oil, the full supply, in certain directions. Finally Schofield, Shurmer & Teagle commenced an action against the Lake Shore & Michigan Southern road. In their petition they prayed for a temporary injunction and relief. They specifically set forth that the Lake Shore road instead of holding to its schedule, had since December, 1879, fixed the schedule rates for them largely in excess of those fixed by the road for the Standard Oil company. They had also arranged and combined with connecting roads so that through rates charged to and paid by the plaintiffs were very largely in excess of those charged the Standard Oil company, and the proportion of the through rate charged by the road to the Standard was much less than the price charged the plaintiffs. Then the road refused to grant or give the plaintiffs the through rates given the Standard, and threatened to refuse in the future to give them such rates. The plaintiffs alleged that such discrimination was made by the road refunding or paying back to the Standard certain rebates upon all products shipped over their line and branches, but apparently collecting full rates, amounting to from 30 to 50 per cent of the entire freight collected. Schofield, Shurmer & Teagle also claimed that they had at different times demanded the same rates as were given the Standard Oil company, only to be refused, and that by means of the unfair discrimination it was impossible for them to compete with the Standard Oil company in the territory along the Lake Shore road.

These were the main points in the case. At first a temporary injunction only was prayed for, but before the trial the parties agreed that the hearing should be for a permanent injunction. Judge Blandin, before whom the case was heard, granted the injunction. He held that a railroad is a common carrier, and therefore a servant to the public, and has no right to make secret rates in favor of one corporation to the disadvantage of the public, but that its rates should be equal to all. A large number of authorities were quoted. He said the road suffers nothing by being prevented from discriminating; while, on the other hand, if railroads were allowed to make special rates to favorites, it would be the means of building up gigantic monopolies which would ruin the country. The plea of large quantities shipped is no excuse, he said, for giving lower rates to a few, it would prevent competition by other firms. This would allow the few to ship large quantities, and thus govern the rates, and the result would again be the building up of monopolies.

As usual, the railroad will appeal, and make its high-priced attorneys earn their salaries; but before a fair and incorruptible court that righteous decision can never be disturbed, for it rests on a rock bottom of common sense principles and common law. Railroads are the creatures of the legislature. They are, therefore, public servants, and in such capacity they must treat the public with strict impartiality. This monopoly-ridden country would soon be freed from unjust discriminations were there more judges like Judge Blandin, of Cleveland, who dared to do right, even though it was in opposition to such gigantic and unjust monopolies as the Standard Oil company and the Lake Shore railroad.

The agitation which has been going on in New York city for some time regarding the electric wires, is about to take definite shape. A bill has been introduced in the New York legislature to compel the putting of electric wires underground in all the large cities of the state, and that in New York and Brooklyn they shall be placed under ground before November, 1885. It is claimed that the bill will become a law. If it is passed it will settle the question whether wires can be successfully worked underground. Interested parties, who wish to avoid expense, claim that it is impractical. On the other hand it has been successfully demonstrated that properly insulated wires will work all right under ground. It is suspected that inventions and appliances for underground systems are being withheld from the public, but it is believed that if a law is passed requiring wires to be placed under ground plenty of appliances will be produced to carry out the system. The day is probably not far distant when exposed wires will nowhere be seen in the streets of large cities.

CONVIC LABOR IN OHIO. Convict labor is one of the leading subjects discussed by Governor Foster in his annual message to the Ohio legislature. The governor of Ohio vigorously condemns the prison labor-contract system. Both of the political parties in that state have declared against it, and the subject has been pretty thoroughly discussed. Governor Foster has investigated the matter, and he says that there is no doubt that the contract system does, in some departments seriously injure honest labor. The honest labor of the state has a right to ask that this inquiry be reduced to a minimum, and he declares that it is the duty of the legislature to secure such a result. That the convict must be compelled to work, says Gov. Foster, is a proposition so self-evident that no one will dispute it—that his work shall do as little harm to honest labor as possible is the end to be sought, and prison management should have for its main object the reform of the convict. To accomplish these desirable results Governor Foster recommends, first, that all sentences be of an indeterminate character, life sentences excepted, the term of confinement to be determined by the prison managers; that eight hours constitute a day's work; that two hours each day be devoted to the education of the convict; that the judge, when he sentences a convict, certify to the board of managers the facts that secured the conviction, with a statement of the general character of the convict. The board of managers should adopt a system of rules providing for promotion for good conduct, and reduction of standing for bad conduct. At a certain degree of promotion the convict should be entitled to wear citizens clothes, and a certain further degree of promotion should entitle him to his freedom, to go out of the prison with a right to his earnings, he to be a convict still, bearing the certificate of the prison managers to that effect. Governor Foster's recommendation, that the convict shall have a right to his earnings, is about the same thing that was suggested by THE BEE. We favored a plan whereby the convict or his family should have the benefit of the surplus remaining out of his earnings after the expenses of keeping and maintaining had been deducted. Governor Foster further recommends that good conduct outside the prison for a stated period, the convict reporting once a month, his report certified by his employer, should entitle him to a full discharge and restoration to all the rights and privileges of citizenship.

In stating his reasons why prison labor is injurious to honest labor, Governor Foster expresses the ideas that have been frequently advanced by THE BEE. Prison labor fixes the price of honest labor, says Governor Foster, and the amount of convict labor does not equal one per cent of the labor of the state, and probably, in any one article manufactured by convict labor does not equal more than ten per cent of the total product, yet this ten per cent fixes the price in times of depression of the ninety per cent of honest labor engaged in the same manufacture. Mr. Foster is of the opinion that to employ the labor of the convicts on state account would not help this feature of the trouble. He argues that "the state will sell the product of prison labor, and it does not matter what safeguards you may undertake to establish, the fact remains that prison labor must be sold at a less price than honest labor, or it will be found that it cannot be sold at all." On this particular point THE BEE differs with Mr. Foster. We hold that the state could supply prison labor on its own account or let it to contractors, and not have it regulate the price of honest labor. This can be accomplished by enacting a law that the products of prison labor shall not be thrown upon the market at a less price than the ruling rate for the products of honest labor. This would give honest labor an equal show so far as competition with convicts is concerned.

There seems to be some doubt as to the ability of J. Sterling Morton to carry out his threat of bouncing Barnum. The Philadelphia Press says: "J. Sterling Morton, an esteemed free-trade democrat from Nebraska, declares that Chairman Barnum, of the national democratic committee, is a protectionist and must go. The moral impression, however, is that Mr. Morton will not be able to fulfill his contract.

The popular amusement among a number of newspapers is the making of presidential nominations. The latest nomination of this character, is Carlisle, who is being pushed to the front by the Atlanta, (Ga.) Constitution. In answering the objection that Carlisle is a southerner, a prominent democrat says, in an interview: "During the war that made this objection significant, Carlisle was a consistent union man. On southern issues to which the north objected he was with the north. The fact of his being a southerner is purely geographical. As to that he lives within the exact center of population as given by the last census." His candidacy has been discussed in quiet circles. It is under serious consideration. The issue on which he won the speakership has largely outgrown the place. It has set the pace for the presidential campaign. No matter who the candidate may be he will have to carry Carlisle's platform. We must promote

our leader as his case has been promoted. I say it boldly, Carlisle will be nominated and elected." This is the opinion of interested parties, and should be taken for what it is worth. It is by no means certain that any democrat can be elected.

One Cause of Hard Times. The fact that the rapid payment of the public debt is one of the causes of the hard times which are now pressing on the people is gradually making its way into the popular mind. So much public opinion has been created in favor of this course of the government that it has been very hard for the people to see that the very thing on which they have been taken to task with so much pride, the free allocation of blood, was one of the prime causes of the depression of their industries. By just how much the reduction of the debt has exceeded the requirements of the case is not exactly known. The sinking fund law requires the secretary of the treasury to buy or pay 1 per cent of the entire debt when at its maximum, with compound interest, every year. Under this provision as thus construed there has been paid off, Secretary Morrill said in 1876, \$223,000,000 more than was necessary. That was seven years ago. Senator Beck calculates that the amount of reduction of the debt in excess of the sinking fund requirements was about \$700,000,000 and more. An inquiry has been ordered by the senate, and we shall soon know the exact figures from official sources; but the rate at which bonds have been called in since Secretary Morrill estimated the unnecessary payment at \$223,000,000 leaves little doubt that Senator Beck's figures are very near the mark.

What this means is, that since the war, besides repairing its ravages in field, shop, and factory, paying enormous pensions, and all the expenses of a government run on a liberal if not extravagant scale, and recruiting their financial strength after a most prostrating panic, the people of the United States have had to contribute out of their daily earnings for the permanent payment of the debt the immense sum of \$700,000,000. This is the amount of money which the rapid extinction of a debt not of the least nature away from the farmers, workmen, and tradesmen of the country. It is impossible not to believe that the present severity of the condition of life and industry in this country have been largely caused by this withdrawal from every producer of earnings that in his hands could have been employed to better his condition.

The two points at which the present depression shows itself most sharply are the stock market and the labor market. This vast sum of \$700,000,000 was taken mainly from the industrial classes, including in them the agricultural. We have in proportion to the whole population but few rich men, and they pay relatively a small part of the national taxes which are levied on the amount of taxed goods. These are so arranged that they fall on the consumption of the country, not on its capital, and the bulk of the \$700,000,000 was consequently taken from the laboring classes, and was to that extent a diminution of their ability to buy more of the things that they wanted. For the lack of the purchasing power of that \$700,000,000 the stores and factories are to-day complaining of dull business and tens of thousands of artisans are idle. This \$700,000,000 thus taken from the consuming people was paid out by the government to the bankers who held (or rather gathered up) the bonds to be paid off. To a limited extent the bonds were held by the people, but mostly by estates and banks, and great capitalists—not by active business men or the industrial or agricultural population who had to furnish the money for paying them off. There was a distinct and final transfer of money from one class to another. It did work around back to the millions of taxpayers who have been forced by the tax-gatherer to supply the tax, but in scanty means. It remained for the most part in the hands of the investing, speculating, and money-lending class. So clearly was this recognized that one of the periodically recurring stimulants for the intoxicated stock market of 1879 to 1880 was the regular monthly announcement that so many millions of bonds were to be sold and paid off. Whenever upon would go prices of stocks another on the expectation of this new drain for the speculators.

The complete and ruinous collapse of the stock market is to be attributed in a great measure to this overstimulation. The distress of labor and the depression of the commercial and manufacturing industries, their centers to their wants are due to the withdrawal of the money that caused the overstimulation. Secretary Folger wants to spend, according to his message, \$50,000,000 more this year for the premature payment of some more of the debt. Here is a point to call a halt. Give the taxpayer a rest. Instead of paying another cent for the extinction of a debt not due, public opinion demands that congress cut down taxation at least one hundred millions a year.

Hit Below the Smoke-Stack. According to ex-Senator Spencer Secretary Chandler is getting too nice. Spencer made a friendly call the other day on Chandler, but the latter received him coldly and spoke complainingly that the call might have a comparative effect. He asked why he could not have made it at some other time. Whereat Spencer thundered: "Look here, Bill Chandler, I used to run ten times the chance of making a scandal when you were dancing around the doors of my senatorial committee room, the lobby agent of John Roach and Charley Seaver." That was a heavy shot, and it hit the gallant secretary "just about the smoke-stack."

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Dakota in 1883. The opening paragraph of the report for 1883 of the governor of Dakota sets forth in language that is none too strong the wonderful change that a year has wrought in the great territory of the Northwest: "The progress and development of Dakota during the past year have been almost phenomenal. The tide of immigration which set in strongly in 1880 has been constantly increasing, until during the past year, I think, a fair estimate of the increase in population would reach 100,000, while the increase of assessable property has even been more marked than the increase in the number of inhabitants. Year by year, as its resources and capabilities are proved more fully by the practical test of experience, as we cease to rely upon the vague reports of travelers and survivors and come to the proved results of settlement, the horizon of Dakota's future is extended, and a more adequate idea of what the territory is, and is to be, may be obtained. Agriculturally the outlook is annually improving; and now, instead of the vast desert tract through which the Missouri was once supposed to flow, an inviting and prosperous section lies encouragingly open to the thousands who are seeking a free and independent life. "There is very little waste or entirely valueless land in Dakota," says Gov. Ordway. Even the bad lands of the Little Missouri are found to be excellently adapted to stock raising, and with the rapid development of the territory as a whole, new directions in which industry may profitably exert itself are constantly being discovered. The production of gold and silver continues to advance, and the completion of new railroad facilities is expected to give a great impetus to the Black Hills, as well as to other regions. The school revenues of the territory for the last year reported were nearly \$500,000, and under the reorganized system adopted by the last legislature great improvement in educational facilities is expected. It is estimated that a tax of three and a half mills on the dollar of the assessed valuation will meet all obligations, and the financial condition of the territory is summed up as follows: "Four years ago the territory owed some \$20,000 in warrants, which securities, bearing 10 per cent interest, for want of funds, were selling at a large discount. These warrants have all been paid off from current revenues, leaving a handsome surplus in the treasury, and the territory will have an outstanding indebtedness, when all the bonds provided for by the last two legislatures are issued, of \$394,500, bearing but 5 and 6 per cent annual interest." To offset these considerable liabilities, the territory has public institutions costing \$400,000, and it is estimated that its total indebtedness could be paid and every bond retired by a five-mill levy upon the assessable property. These figures give some index of that great development which only those who have witnessed it or been a part of it can fully comprehend. The foundations of Dakota's prosperity are firmly laid, and the time is not so far distant when this great region will take honorable place among the most prosperous agricultural states of the Union.

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