

THE DAILY BEE.

OMAHA OFFICE, No. 101 AND 102 FARMERS ST. NEW YORK OFFICE, ROOM 30, TRINITY BUILDING.

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THE PUBLISHING COMPANY, PROPRIETORS. E. ROSEWATER, EDITOR.

It looks very much now as if Parrell is the power in front of the throne.

NEBRASKA is now blessed with a state cattle doctor, but the hog cholera continues its ravages all the same.

OMAHA has to stand the fire of Kansas City, St. Louis, Lincoln, and Denver, yet she continues to boom right along.

The Missouri river is muddy enough, but the editors of the Herald about the proposed river improvement convention are muddier than Missouri river water during the June rise.

DENVER after a time claimed between 65,000 and 75,000 people, but the Colorado state census gave her only about 57,000. However, that makes a good-sized city—nearly as large as Omaha.

The United States senate in passing a bill giving a pension of \$5,000 to Mrs. Grant has done a very graceful act which will be heartily endorsed by the people. The house, of course, will acquiesce.

Our merchants have no grounds of complaint against the weather clerk during the present holiday season. Last year the thermometer ranged between fifteen and twenty below zero during the two weeks before Christmas.

CHRISTMAS shopping should not be put off until the last moment. Now is the time to do it when the stores are not too crowded, so that you will have plenty of opportunities to make your selections in a satisfactory manner.

DAKOTA is again knocking at the doors of congress for admission to the sisterhood of states. We are still of the opinion that her political complexion will keep her out in the cold, unless some set-off can be arranged.

SENATOR MANDERSON, at his own request, has been relieved from service on the committee on military affairs. Why he should do so, in view of the fact that he has exhibited such a lively interest in military affairs, is something that strikes us as rather singular.

ACCORDING to a Washington special to the Bee, no postmasters in Nebraska have as yet been removed for offensive partisanship. This speaks well for the character of republican postmasters in this state. Over in Iowa, however, offensive partisanship seems to be a very common ailment. Out of 160 postmasters removed, 81 were charged with this offense.

If the Nebraska railway commissioners had any sense of shame they would go and bury themselves. The scathing criticisms of the independent press of the state would make men of any self-respect wish themselves dead. The commissioners, however, seem to be brass-mounted and lost to all sense of decency. But the time is coming when the people will bury the railroad commission law beyond resurrection.

In all probability among the very first bills to be passed by congress will be one to provide for the performance of duties as president in case of death, resignation or inability of both president and vice president, as well as to provide for the presidential election count. The necessity of such a bill has been foretold by recent events, and it is very likely that the Hoar bill will be passed together with the Edmunds bill for the presidential count which Senator Edmunds proposes to attach to the Hoar bill as an amendment.

The malignant spirit which characterizes the conduct of the Lincoln Journal as usual manifests itself in regard to the charges concerning the construction of the new insane asylum at Norfolk. It returns to the charges as "slanders of the Bee." The Journal well knows that the Bee has made no charges, but has simply called attention to charges made by citizens of Norfolk who have substantiated their statements by affidavits. These statements and affidavits have not been collected by the Bee, but have been published at the request of citizens of Norfolk who desire that the insane asylum shall be honestly constructed. The taxpayers of the state desire the same thing, and the agitation of this matter will no doubt result in securing a much better building than if nothing had been said and the whole matter had been allowed to go by default. The most careful inspection should be exercised in the construction of all public buildings, and particularly asylums for the insane.

DENVER is too far from anywhere to be at all jealous of Omaha, yet the Denver Tribune-Republican in a splenetic fit refers to Omaha as a little cross-roads town and a village, and protests against this city being made a part of it. In view of the fact that the last Nebraska state census gave Omaha a population of 61,500, while the Colorado state census gave Denver in round numbers 57,000, it comes with some grace for any Denver paper to attempt to ridicule Omaha by referring to it as a cross-roads town or a village. Omaha is not as handsome a city as Denver it is true, but that she is a larger city, is doing more business, and growing more rapidly than Denver is a fact that cannot be disproved. It is only a question of time when Omaha will be even a more beautiful place than Denver, and leave her so far behind in population and business that she will not be thought of when the name of Omaha is mentioned. Still, if Denver grows to be a large city and continues to prosper we shall not feel best as there is plenty of room for her.

The Judiciary in Politics.

The senatorial contest in Ohio hinges upon the question of the rightfully elected delegation from Cincinnati. It is conceded by all fair minded parties that the republican legislative delegation was elected by an honest majority, but was counted out by downright fraud, engineered by the McLean machine on the Chicago plan. A great deal of excitement, proceedings were instituted in the Hamilton county court, which ordered the county clerk to issue certificates of election to the republican candidates. From this decision an appeal was taken to the supreme court of Ohio, a majority of whose judges are democratic, and that court has created quite a sensation by reversing the judgment of the Hamilton county court, and ordering the certificates to be issued to the candidates on the democratic ticket.

While there is just ground for indignation over this outrageous decision, it is only what might have been expected. In dealing with political questions the judges of our courts have almost invariably allowed their partisan zeal to overcome their honest convictions. From the lowest to the highest, human nature always asserts itself on the bench. This was strikingly illustrated by the party vote of the United States supreme court when acting as part of the historic electoral commission. Every democratic judge voted to count in the Tilden and Hendricks electors, and every republican judge cast his vote for Hayes and Wheeler. If the national supreme court could not rise above politics in a crisis which brought the country to the verge of civil war, it is not surprising that the democratic judges of the supreme court of Ohio have closed their eyes and ears to the glaring election frauds and pronounced in favor of the democratic candidates who were in the minority.

The decision of the supreme court of Ohio only serves to confirm the soundness of the views held by true friends of our government with regard to the exclusion of the judiciary from the exercise of political power and functions. In creating three coordinate branches of government, a very broad line was drawn by the framers of the federal constitution between the legislative, executive and judicial branches of the government. Congress was made the sole judge of the election and qualifications of its own members. With this prerogative no court has ever been allowed to interfere. If any election frauds or bribery are resorted to in the election of any congressman or senator, the house in which he seeks admission is the proper and only tribunal that can pass upon the right of any member to his seat. No supreme court has ever dared to interpose its mandates to order election certificates to be issued to candidates, and any federal judge that would venture to interpose in such a political contest would be promptly impeached and removed. The principles embodied in the national constitution with regard to the division of the functions and powers of the coordinate branches of government are incorporated in every state constitution. The legislature of every state is the sole judge of the election and qualifications of its own members, and it only can rightfully pass upon the title of any member to his seat. A certificate after all is only prima facie evidence of the title, but by no means conclusive. The only authority which the courts should be allowed to exercise in such political contests is to take the testimony of witnesses who are cited to appear on behalf of contestants for seats in the legislature. The censorious habit of most every instance exercises the ministerial functions in verifying the returns and courts may properly be invoked to order the canvassers to make their returns in accordance with their returns. Beyond this all appeals to adjudicate contested seats in the legislature are outside of the proper jurisdiction of the courts. Had this common sense and practical view of the matter been taken by the republican leaders in Ohio they would have no occasion now to denounce the judicial outrage of the supreme court. There is no doubt that the certificate held by any member of the legislature affords considerable advantage to his party in the organization of that body, and in many instances the advantage thus obtained results in the seating of the member holding such certificate, when in fact he is not entitled to membership. Even if such a fraud should result in the election of a United States senator by the votes of fraudulently-seated members of the legislature, the election of such senator would be determined by the final trial passed upon the United States senate which passes upon his title. Until the election machinery of the various states is perfected and safeguards against frauds in the counting machinery and returns are provided, such outrages as those committed last year in Chicago, and this year in Cincinnati, will continue. The remedy is not in conferring more political power upon the courts, but in legislative regulation and restriction, coupled with vigilance on the part of the citizens.

The official correspondence between Austria and the United States relating to the case of Minister Kelley has been transmitted to the senate by the president. It shows, as was generally rumored at the time, that Austria refused to recognize Mr. Kelley because his wife was a Jewess. The pointed reply of Secretary Bayard to the effect that the attitude of Austria has no precedent in modern times and cannot be assented to by the executive of our government will meet with the hearty approval of our people. "Religious liberty," says Mr. Bayard, "is the chief corner stone of the American system of government," and in accordance with that principle no person's religious faith can be questioned. The Kelley case, under the circumstances, will no doubt create an animated discussion in congress, and in all probability notwithstanding the resignation of Mr. Kelley, the mission will be left vacant.

Mr. JOHN I. RENICK has commenced proceedings in court to test the right of this city to extend its boundaries beyond the limits fixed some fifteen years ago. Mr. Redick has a perfect right to exert his legal talents in fighting taxes which he believes to have been illegally imposed. Before he gets through, Mr. Redick may, however, discover that he would gain nothing even if he wins his suit. We are informed that the house and lands which Mr. Redick claims to be outside of the city limits, and therefore

exempt from taxes, were assessed at less than \$5,000. The house alone is said to be worth from \$20,000 to \$25,000, and the land from \$20,000 to \$100,000. A fair assessment of not one-fourth its market value would be not less than \$15,000, or more than twice as much as it was assessed for the present year. On an assessment of \$15,000 the county taxes alone would be nearly double the amount Mr. Redick has been paying on city and county together. It seems to us that Mr. Redick has fared better in the taxation of his suburban villa than a large majority of our tax payers, and ought to be content to let well enough alone.

Omaha and Lincoln. The unrelenting hostility which the Lincoln Journal has for years manifested towards Omaha is by no means to be taken as a reflex of the sentiment of the citizens of Lincoln. They realize that Omaha and Lincoln are rivals in any sense of the word and never will be. Eighteen years ago, when the capital was removed from Omaha to Lincoln, Omaha had a population of nearly 10,000, while Lincoln was a mere hamlet. Even at that period the business men of Omaha were in no way disturbed by the removal of the capital. Whatever prestige may have attached to a capital city was more than counterbalanced by the commercial advantages which Omaha enjoyed by reason of her location at the gateway to the Pacific. With a population of fully 65,000, and a rapid and healthy growth, that fully keeps pace with the development of the state, Omaha is in no way concerned about any enterprise which helps to build up Lincoln or any other city in Nebraska. On the other hand Omaha feels a stranger and more confident of her commercial supremacy by reason of the growth and prosperity of other cities and towns west of the Missouri. She would not take the epiphany from Lincoln if she could get it, and while she alone pays about one-eighth of the entire state tax levied to maintain the state institutions, which are the backbone and main-stay of Lincoln, she has no disposition to cripple any of them. Why then should any paper pretending to voice the sentiment of Lincoln go out of its way on every possible occasion to stab Omaha and belittle her commercial facilities? Several sample bricks of such venomous stupidity were aimed at Omaha in the Lincoln Journal of Sunday. One of these reads as follows:

The way for Omaha to get business in the northwest part of the state is to sell out to some city. A dog with a kettle attached to his caudal appendage never made such a racket in the mats of trades as is made by Omaha in her frantic efforts to get away from her competition of the enterprising little Iowa town. Only last week an Omaha diary talked about Kansas City and St. Paul being the only rivals of Omaha town, but from the way she squeals when Sioux City steps on her toes it is fair to presume the dignity was giving us wind.

Now would any man or paper possessed of a spark of manhood or state pride indulge in such indecent flings? What would be thought by the citizens of Lincoln if an Omaha paper were to ridicule boy enterprise and business advantages by calling attention to the boast of some drummer from Atchison of "locks or even smaller pieces of tin?" Lincoln was the tail end of nothing, and that his town was capturing her trade? While it is true that one wholesale house in Fremont sells more groceries in Nebraska than any other jobber but one, in Omaha, the business men of Lincoln would not appreciate a malicious intimation that they are playing second fiddle to Fremont as a wholesale point. The same spirit of meanness, manifested in the article above quoted from the Journal, is shown in the following from that paper of the same date:

Already Omaha is beginning to make arrangements to hold her exposition at such a time as to interfere as much as possible with the state fair to be held in this city. The thing has gone so far that General Felt of the Union Pacific headquarters has been invited to investigate the weather of next September and see how it will be as to rain.

We presume that the citizens of Lincoln will concede to Omaha the right to hold an annual exposition, at her own expense, as long as Omaha is willing to be taxed to enable the state board of agriculture to hold a state fair at Lincoln. We have never heard any protest or complaint against Kansas City or St. Joseph for holding annual expositions and competing with the Nebraska state fair when it was held in Omaha. It may be all wrong for our exposition managers, who have erected a \$50,000 exposition building, to hold fairs during the month of September instead of December and January, but we take it that the monopoly to utilize the harvest month does not belong to any locality. The intimation that Omaha is determined to interfere as much as possible with the state fair is in striking contrast with the fact that the last state fair was patronized by a hundred citizens of Omaha where the Omaha exposition was attended by one citizen of Lincoln. As a matter of fact, the splendid exhibit at Lincoln was largely due to the generous displays made by business men of Omaha.

It is not about time for the citizens of Lincoln to rebuke such attempts as those of the Journal to create prejudice and foolish jealousy where there is no reasonable excuse for such warfare?

BOOMING outside property has its drawbacks as well as its advantages. While real estate dealers and speculators are reaping a golden harvest, the effect upon the retail trade is very depressing. Our wage workers of all classes and of both sexes are investing their savings in outside lots bought on the installment plan. Nearly every dollar they can scrape is swallowed by these monthly and quarterly payments. The prospect of securing a cheap home or doubling their money in a few years is very tempting, and men and women who have been the mainstay of our retail tradespeople are compelled to pinch themselves in the matter of clothing, furniture and food in order to pay for lots bought on time. If it were not for the outside property boom our storekeepers would have more than doubled their trade this season.

OMAHA has had a fairly prosperous year, and money seems to be circulating quite freely. If there is anything that will loosen up the money strings it is the approach of Christmas. We hope that those who are blessed with an abundance will remember the destitute poor in our city, and provide some means for supplying them with a few necessities of life and even a few luxuries at Christmas time. The children of the poor

Should more compassion be exercised for the destitute poor.

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Laying the Pipes for a Soft Place. Representative Weaver, of Iowa, wants a deputy and will employ sixteen to twenty clerks at his head who shall also be a member of the cabinet. It is presumed, too, that Mr. Weaver has in his mind's eye just the man for the place.

Don't Be a Fool. "Don't be a fool, my dear," remonstrated a husband to his wife, who was letting her jaw swing loose in the breeze. "I won't, Mr. Jenkins. I won't," she answered; "people wouldn't know us apart if I did." He went right down town.

The Worst One so far This Week. An original Raphael has been found in Chicago. There has been a Raphaelite tendency in Chicago for many years. The inhabitants have held Raphaels for trunks, clocks, watches, for many years, at a cheap price.

Sold for the Flag and Appropriation. Says the Philadelphia Times: "Available statistics clearly prove that the south is going to be heard for in the future, and it won't be through the rattle of the musketry either." No, sir; the bugle note, or the battle cry of freedom, that will go sounding down the ages, or the corridors of time, or the abscissa of futurity, or any other available route, will be "the old flag and an appropriation."

It Is Eastern. The message of the president will strike the western consciousness as one dictated for New York and New England. The great west, whose men of honest toil furnish the means to pay the national debt, and which creates the wealth which makes our eastern cities great, is practically ignored. Questions

Which involved the interest and hopes of the Mississippi valley and the far west are overlooked, but the interests of the Atlantic coast are fondly cherished.

The Policy of the Devil Fish. If a provision wishes to hide his weakness and escape criticism, then the way to write a safe paper is the one Cleveland adopted in preparing his message, namely, making it too long to read. It is the policy of the devil fish which secures itself behind a cloud of ink.

Not So Big as We Seem. McClellan, Hendricks, Grant and Vandenberg. And yet the world seems to get along very much as it did. There is something here to be learned. There is something here to be learned.

A Trade Too Unprofitable. This natural gas is a nice thing to have in the house, no doubt, but when, as in the case just reported at Pittsburg, it explodes and raises the entire family through the roof it becomes a trade too unprofitable for comfort. It begins to look as though Pennsylvania was too near the interior regions to coal with their much.