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The Bee Publishing Company Proprietors.
E. ROSEWATER, Editor.

THE DAILY BEE.

Sworn Statement of Circulation.
I, GEORGE B. TSCHUCK, Secretary of the Bee Publishing Company, do hereby certify that the actual circulation of the Daily Bee for the week ending January 29, 1890, was as follows:
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The garbage crematory project still slumbers peacefully in the arms of the city council.

The coupling pin cannot be found to join the western railroad presidents in their agreement.

It will be noticed that Mr. Harrison's visitors of late are of that timber from which a cabinet is made.

If Bismarck will only open his arms to receive the American nog we will say no more about the Samoan affair.

Now that the trusted insurance agents are going into embezzling, the faithful bank cashiers find their occupation gone.

The wall paper trust is said to have put up prices and is accused of cutting down the wages of its employees. That looks like adding injury to insult.

COLORADO has been quite successful in her experiment of raising tobacco. That is a field for which certain parts of Nebraska ought to be well adapted.

The greedy Texans want the government to build a deep water harbor at every bay and inlet on the coast. Texas could evidently make short work of the surplus.

THERE is no danger that certain members of the Douglas county delegation will wear out the seats of their trousers in the lower house of the legislature.

PUBLIC opinion among reputable business men and citizens is rapidly crystallizing against the scheme to repudiate the city's obligations in the location of the city hall.

EVEN if Jay Gould should some day slump on Wall street, there is little danger that his children would go abegging. The will of the late Mrs. Gould divides all her valuable property among them.

BELIEF is gaining ground that many of the White Cap organizations in Indiana and Ohio are composed of women. That may be the reason why the legislators of those states are attending strictly to business.

With the fiery Boulanger having everything his own way in France, it would not be a matter of surprise if America would have a powerful ally within twenty-four hours in case there should be a declaration of war against Germany.

The conscience fund has been augmented during the past year by fifty thousand dollars. If full returns come in within the next few years nobody can question that the contribution from conscience-stricken city officials would be sufficient to run the government.

THE Uses of Southern Colorado, who have given up their valuable oil and mineral lands in that state, have not made a bad bargain after all. They receive a reservation of good arable land in Utah of nearly three million acres with a per capita payment of fifty thousand dollars in ten annual installments, as well as twenty thousand dollars worth of sheep, new agency buildings and other perquisites. If these Indians are thrifty during the next ten years, there is no reason why the value of their holdings will not run into the millions.

Mr. FURAY tendered Councilman Hascall a lot in North Omaha if he would only take up his residence in that part of town. "People in our part of town will receive Mr. Hascall with open arms," said Mr. Furay. "They appreciate a man who is broad enough not to be sectional." Talk is cheap, soft soap plenty, but how much support did Hascall get from North Omaha and the Jefferson square boomers when he was running for senator last fall? Did not Bailey and Counsellman, who are the special champions of city hall removal, trade Hascall off for a mess of pottage only two weeks ago when the council was reorganized? Furay and his fellows were kind of the professional beggar, who always cries, "Give, give, give," but refers you to the Lord for your pay with his blessing.

INSTRUCTIVE TO LAWMAKERS.

We present to the legislature a carefully compiled statement which embodies a history of the state university from its foundation to this day, a detailed exhibit of the appropriations made for its maintenance, and an analysis of the practical results achieved by the institution. This exhibit will be instructive to our lawmakers. Few, if any, of them are familiar with the history of the university and the enormous levy that the taxpayers of this state have been subjected to for an institution of learning that was designed to be self-sustaining by its founders. Fully three-fifths of this large fund is paid in direct taxes by the farmers and other laboring classes of the state. The vast amount of \$1,372,250 for the current two years, is taken directly from the pockets of the farmers and laboring men of Nebraska. What is done with this great sum of money? It is used to endow chairs of Greek and Sanskrit, of logic and philosophy, of biology and zoology, of music and the fine arts. A large part of it is used to keep the Latin school going. The Latin school is a mere high school in the university. Its sole object is to prepare students to enter the college. This school, together with the schools of music and art, gives instruction to more than one half of the students in the university. What business has the university to provide this institution? There are now about thirty union schools in the state that are doing this same work. It is their business so to do. It is the business of the university not to do it.

It is clear that these high school departments were established, along with a half dozen of the professorships which teach subjects not within its proper sphere, the university of Nebraska could to-day do its own proper and legitimate work, and do it thoroughly and well. It could do this work without calling on the people of the state to raise a dollar by taxation for the support of the university.

It will require some courage, and the exercise of moral purpose for the members of the legislature to meet this question. But with those qualities inspiring them they can settle it right, and settle it now.

NOT HARMONIOUS.

Washington advices report a serious division in the cabinet regarding the course the government should pursue in the Samoan controversy. It is understood that Secretary Whitney and Postmaster General Dickinson are in favor of serving an immediate warning upon Germany that further interference in the internal affairs of Samoa would be regarded as a violation of our rights and the agreement with Germany, and would be resented by the United States. Secretary Bayard does not agree with this view, and the other members of the cabinet are said to concur with him. The president is believed to incline to the side of Whitney and Dickinson. There is probably nothing in the rumor that either the secretary of state or secretary of the navy will retire from the cabinet by reason of a difference of opinion on this matter. The president has submitted the subject to congress, saying in doing so that executive authority had been exerted to the extent of its constitutional limitation, and further proceedings will doubtless await the instructions of congress. What is now wanting is accurate knowledge regarding the character of the agreement between this country and Germany. So that our rights may be clearly understood, and resolutions have been introduced in the house asking for this information. Until Congress obtains the desired information, if it shall be deemed in the public interest to give it, it does not appear that anything more can be done than has been done. The government has dispatched ships of war to Samoa to protect American citizens there, and this is as far as executive power can go.

The request made by the secretary of the navy of the secretary of state for a definite statement of policy that would enable him to give clear instructions to the naval commander sent to Samoa appears entirely proper, yet the reference of the whole matter to congress by the president may fairly be held to have relieved the state department of any obligation to define a policy for the government, further than what was already indicated in the communication to congress by the president. The most serious fault of Secretary Bayard appears to be in not having given congress as full information as there is reason to believe he might have done, but it was quite as much the duty of the president as of the secretary of state to see that congress was placed in possession of all the information necessary to intelligent action. It is not probable that the differences of opinion in the cabinet in this matter will cause any member of the administration to resign.

THE MANAGERS AT FAULT.

A letter of President Perkins, of the Chicago, Burlington & Quincy road, written to a stockholder who had evidently presented at length his views of railroad management, is interesting for its frank avowal that if railroad managers are to blame for the existing situation, it is the head men and not the subordinates. While confessing that he has not given orders about the details of the road which he is the head, and does not even know in detail what has been done, Mr. Perkins nevertheless assumes the entire responsibility for the management of the road for the reason that he has not taken it out of the field of competition. In other words, he has allowed the road to go on doing business under methods and practices devised by his subordinates, such as were denounced by the inter-state commerce commission, without troubling himself to ascertain the character of these contrivances, whether they were lawful or in contravention of law. Having determined to remain in the field of competition, the president of the Burlington appears to have left pretty much everything else to the determination of his subordinates, evidently with full confidence in their ability to go as far as the subordinates of any competing railroad

in the numerous and questionable devices employed to secure business. And this, it would appear, has been the habit of most railroad presidents. But such limited responsibility as Mr. Perkins confesses to, all that the stockholders in a railroad have a reasonable right to expect of the man whom they place in control of their interests? Is it sufficient that the head of a great corporation, having in his charge the investments of a large number of people, shall simply decide the question of carrying on business and leave wholly to irresponsible subordinates the matter of determining the methods? The railroad presidents who are endeavoring to effect an arrangement to prevent rate wars, and professing to secure the enforcement of the inter-state law, evidently do not think so. It is a vital part of the proposed agreement that railroad presidents shall concern themselves with the class of details which they have heretofore neglected, and the neglect of which has admittedly been in no small degree the cause of many of the difficulties in the railroad situation. The discovery was made that irresponsible subordinates are apt to be faithless and untrustworthy, and that they have no regard for legal obligations and restrictions. Investigation has shown that they have been quite generally guilty of the most pernicious practices. In order to remedy this, railroad presidents propose to very materially curtail the authority of subordinates, and in future to take the direction of certain matters entirely out of their hands. Although it is to be inferred from his letter that Mr. Perkins does not have very great faith in the efficacy and permanence of the proposed arrangement, being one of those who believe that railroads should be left to work out their own salvation subject only to the natural laws of trade, we believe he has at least a party to it. In this he has at least shown a commendable willingness to enlarge the scope of his responsibilities.

IT WILL EVENTUALLY GET THERE.

Buffalo Express.
Of the ultimate triumph of high license in this state there can be no doubt.

NOT THE MAN FOR IT.

Denver Republican.
Mr. John M. Thurston of Nebraska is not fit to be secretary of the interior.

THE WAY HE LOOKS AT IT.

Louisville Commercial.
Secretary Bayard has construed it: "The man who tears down the American flag will be placed upon the pension rolls."

THE WAY TO PRESERVE PEACE.

Chicago Herald.
If Uncle Sam might take a few social schooners of beer with Bismarck it would do far more to preserve peace than all our war ships.

AN OBJECT LESSON IN POLITICS.

Detroit Tribune.
If there is a young man anywhere in front of this paragraph who is politically ambitious and is sorry for it, who has a terrible itching for public office and wants to be cured, let him go and hold communion with Secretary Bayard, and we reckon he will come away with a specific that will allay the irritation.

DISGRACEFUL AND CONTEMPIBLE.

Cleveland Leader.
It was bad enough to be humbugged and intimidated by Germany on our own account, but to covenant with a weak, dependent and friendly people like the Samoans to protect them against foreign domination or assault and then abandon them to their fate at the first show of armed force was disgraceful and contemptible.

SENATOR WASHBURN.

Springfield Republican.
The number of millionaire senators, estimated now at from thirty to thirty-two, or nearly one-half the entire senate, has been increased by the choice of General W. D. Washburn to succeed Sabin, from Minneapolis, Minn., in 1891, and is a graduate of Bowdoin College. He made his money in lumber.

THE ANTI-GERMAN FUSS.

Chicago Tribune.
It is an open question whether all the anti-German fuss now being made over Samoa, so far as it concerns any rupture of the relations between the United States and Germany, is not an effort to build a mountain out of a molehill. So far as any treaty obligations between this country and Samoa are concerned, even accepting the most radical view of them, they amount to nothing more than the benevolent expression of a friendly interest in the future welfare of these untraced islands. The United States has no station there for the advantage of a trade with those little specks of islands in the midst of the Pacific which we do not yet possess.

THE HOUSTY CRASE.

Senator Vest, of Missouri, presented the following joint petition in the senate recently from one of his constituents:
To the Senate of the United States: I, Henry S. Chase, a resident of St. Louis, Mo., in behalf of myself and other dentists of the United States who may think as I do, respectfully request you to give a bounty of \$1 to each tooth filed by dentists for the preservation of those teeth, in order to encourage an honest industry and thereby encourage competition among dentists, which will lower prices to patients and more over encourage immigration of dentists from all parts of the world to this country, thereby making a better market for all the agricultural and other products of home industry, the cash for this purpose to be taken out of the general treasury of the United States for the purpose aforesaid.

STATE AND TERRITORY.

Nebraska Jottings.
A move is being made to organize an A. O. U. W. lodge at Valentine just now is said to be a first-class flouring mill.

Eight ladies of Stratton have organized a brass band. Three of the ladies are married and are said to be first class.
George Brigs, of Cody, has been held for trial at Valentine under \$300 bonds for selling liquor without a license.

The board of directors of the Union Fire and Lumber company, of Union, have appointed a committee to solicit members for a fire company.

A. W. Critch, receiver of the Chadron land office, has brought suit against the editor of the Hemingford Guide for \$10,000 damages on account of an alleged libelous article published in that paper.

The board of directors of the Gage County Agricultural society has selected October 1, 2, 3 and 4 next as the date for the county fair. New buildings will be erected and other improvements made.

A large mountain lion has been terrifying the inhabitants on the Bordeaux, in Sheridan county. The other day a farmer, as usual by his dog, saw the animal while a neighbor started out to procure a rifle, but the messenger's courage failed and he didn't return. The lion still lives.

Among the messengers employed by the Sidney telegraph to bring in returns from the recent county elections was Daniel Adams, of Bushnell. He was not a giddy youth, so he surely will be in a tight year. He had heard his grandfather preach when the latter was 106 years old, and his grandmother knit him a pair of socks when she was over 100. This industrious, ancient lady was a niece of William Penn. The many romps and rambles he and the people of George Washington have had together the gentleman failed to mention.

organize a stock company for the purpose of building an opera house.
The Harlan county teachers will meet at Alameda, February 1st.
The Des Moines cotton mill will make its first shipment of sheeting last week.
Mistakes never come singly. A West Side man lost his pocketbook containing \$100 and his cow died the same night.
The Clinton News wants that city to purchase the electric light plant from the present owners, and claims \$10,000 per year profit can be realized on the investment.
There is a movement on foot between the opera house managers of Osage, Austin, Charles City, Nashua and Waverly to organize a society and provide a better class of entertainments than have been given at these places.

Alexander Clark of Muscatine, who is one of the first among representative colored men to apply for the position of recorder of deeds of the District of Columbia, a place formerly held by Fred Johnson.

Within a few days two injunctions have been granted against the saloons of Charter Oak. Three indictments have been found and a verdict rendered by a judge for \$500 fine on the saloons for selling whisky, whereby he was caused to lose a team of horses and sustain other damages to himself and property.

The Great Northwest.
A gold discovery at Lander, Wyo., and it is reported that claims have been staked out within five miles of the city.

The Nevada board of pardons heard thirty applications for pardon this term at Carson, but not six of the lot were acted on favorably.

The necessary funds have been raised at Pueblo, Colo., to secure the completion of the Denver and Pacific railroad, the Pueblo, Gunnison & Pacific.

A movement is on foot at Carson to charter a train and take the State militia of Washoe to attend the inauguration ceremony in March.

Some street gamins at Modesto, Cal., drove a street car from the town by firing a big bomb and a young boy which he was using as a platform.

A number of young men in Cheyenne have organized an anti-profanity club. The club, it is said, is intended for the salvation of the town who engage in real estate speculation.

Charles Lunstetter, a Scandinavian who arrived at Fort Townsend a few weeks ago with his wife and seven children, has been arrested for the murder of his first wife in Fergus Falls, Minn., last March.

The Salem City, Idaho, Record says the weather for the past twelve days has been the coldest since the first of the month, the mercury ranging every night from 25 to 25 degrees below zero.

Frank Burt, who threw the contents of a bottle of nitric acid in the face of Frank Tooley, at Rawlins, Wyo., has been arrested. Upon being arraigned he waived examination and was held to the grand jury in bonds of \$1,000.

Chin Foo, a wealthy Chinese storekeeper in Denver, got a divorce the other day from his wife, Wang Toy, who had taken up with a gambler, and ran away from Chin Foo. The husband was very anxious to have it "in the bill" that he was not to pay any alimony, and the court agreed.

William Kennedy alias Red Shirt Bill, has been arrested in Clarendon, Tex., charged with the murder of Henry Long, of New York, near Rawlins, Wyo., which occurred the last of June, 1888.

A fish car from the east has reached Tacoma, W. T., with 300 lobsters, half of which were successfully auctioned at the Fish Disposal point, at the mouth of the Columbia river, and the other half were sent on to the direction of James G. Swain, of Seattle. The female lobsters had from 50,000 to 75,000 eggs each.

DICKSON GOES HIGHER.

There is no doubt that he is appreciated by the Union Pacific.
General Superintendent Ed Dickinson, of the Union Pacific, has returned, and it is stated that an understanding has been reached between him and Mr. Holcomb which is satisfactory, and also that Mr. Dickinson will be retained in an important position with the Union Pacific management. A railway official stated this morning that it did not stand to reason that Holcomb would dispute with the Union Pacific and then grow up in the business, and knows his weak points as well as his strong. He stated that no person valued a good man more than the Union Pacific, and that the latter would have no idea of ever letting the popular general superintendent out of the service provided the latter so desired.

THE EIKHORN'S TRAIN SCHEDULE.

A new time card for the train service of the Fremont, Elkhorn & Missouri Valley is being prepared by the superintendents of the road. The Chicago train leaving Missouri Valley at 7:15 a. m., will under the new time card leave at 9 a. m. The train on the Black Hills division arriving here at 6:20 in the afternoon will arrive at Elkhorn at 11:00 a. m., leaving here at 7:15 a. m. for Superior, connecting with the Black Hills train at Fremont which will leave at 8:15 in the morning. The Chicago train which will be inaugurated February 3, is necessitated so as to correspond with changes of time on the Chicago & Northwestern, taking effect on the same day.

WRECK AT THE TRANSFER.

An open switch at the transfer yards resulted in the wrecking and derailment of a switch engine 1100 yesterday. The engineer did not observe the opening until it was too late, and though the brakes were applied it left the track and toppled over in the ditch. The engineer and crew were unhurt, and no serious injuries were sustained, although a wrecking crew was dispatched from Omaha and the wreck was cleared up about noon. The engine was badly damaged.

FREIGHT AGENTS MEET.

The local freight agents met at the Millard yesterday for adjournment, but owing to Prier, general eastern agent of the Chicago & Northwestern, having failed to forward a copy of the by-laws of the National Freight Association in New York, an adjournment was taken to next Monday. The permanent rules and by-laws will then be adopted.

NEW TIME CARD.

The division superintendents and the heads of the general passenger and ticket departments of the Union Pacific met in the general superintendent's department yesterday morning to complete the new time card, which is to go into effect on all lines February 3. The changes that will result in the time of arrival and departure of trains was fully chronicled in the Bee of Wednesday last.

WILL NOT BE CHANGED.

Owing to the non-settlement of the differential between the roads, on grain shipped from Omaha and Nebraska points to St. Louis and Chicago, the Fremont, Elkhorn & Missouri Valley will not put in the new rates on grain shipments west of North Platte for the present as was anticipated. It will be noted, however, that the action largely by the action of the Union Pacific.

RAILROAD NOTES.

The genial countenance of E. C. Harris, superintendent of the Fremont, Elkhorn & Missouri Valley, was seen in Omaha yesterday.

Assistant General Manager Mellen, of the Union Pacific, has returned from the east, whether he has been on business in connection with his road is not known.

General Superintendent Dickinson, of the Union Pacific, has returned from Chicago. Shippers desirous of Rock Island cars are still unable to obtain them, and the officials of that road in Omaha can give no definite explanation of the circumstances.

Continued Again.
The city and electric motor clock was set down for argument of 10 o'clock yesterday but by mutual consent of all parties another continuance of two weeks was taken. This will bring the matter to the attention of the February term of the district court.

AN OPINION OF AN OPINION.

A Member of the Bar Criticises Judge Lake's Opinion.

JEFFERSON SQUARE WON'T DO.

The Real Value of a Legal Opinion—Some Fatal Defects—A Little Municipal History Not Quite Forgotten.

Will It Be Legal?
OMAHA, Jan. 28.—To the Editor of THE BEE: The advocates for the location of the city hall on Jefferson square have raised a point, in securing an opinion from Judge Lake upon the question whether said square can ever be used for the purpose of erecting thereon a city hall or other public buildings, which seems to me to be fatal to their scheme.

The judge puts forth, for a fee his legal opinion that the city hall cannot be located on that square if there has been a dedication of it to the public for the purposes of a park or an open, unencumbered square. This is undoubtedly the law, and the courts will prevent any infringement or diversion of the dedication and will sustain it in its letter and spirit. Authorities are innumerable upon this point. Having laid down the laws the judge proceeds to argue the square out from under his law by denying the existence of the facts, which are necessary to make a dedication.

Of course after having eliminated the facts adverse to the conclusion he would reach, in order to gratify Mr. Swift and others, the highway to the end of his legal journey is made smooth and he drives over it at a two-thirty gait, leaving a cloud of dust behind him. No real value of any legal opinion, not emanating from a court, consists in a full consideration of every fact, which can enter into and make a part of it. To assume and consider a few facts and reach a legal conclusion therefrom upon any given question, settles nothing except their bearing upon the question into which they enter, leaving the real point, if affected by other and independent facts, still undecided. No question of the correctness of the adjudicated cases cited by Judge Lake in his opinion. Their logical and legal force is derived from a deliberation upon every fact established in the case. The omission or the introduction of any other fact in these cases might have changed the current of thought of the courts rendering the decisions and produced a different adjudication of the cases. Courts do not throw away nor create facts in cases they determine. They consider just what each case discloses in its record; while an attorney giving his opinion of the law upon any point of dispute is bound to rush out and take every fact which can possibly be brought into the dispute.

I presume certain facts were laid before Judge Lake and upon these he formulated his opinion. Without assenting to his final conclusion on the relevancy of facts, he considers, in his written opinion and how they support it, I do insist that no lawyer can give an adequate opinion—one which will stand the test of a judicial examination unless he has embodied in his work every fact which might enter into the case.

Judge Lake has not enumerated, and I conclude, did not consider, in making up his opinion, all the facts relating to the dedication of Jefferson square to the public as a "public square," and as a "park," if I am correct in my remembrance of that which took place long ago, and when, if I am not at fault, the judge himself was city attorney, say from 1863 to 1865.

At the time the city council, acting in its highest capacity as a legislative body, did, with the approval of the mayor, by ordinance, dedicate this square to the public for "a public square and park" forever. From that day to this the public have possessed and enjoyed it as such, and the citizens of Omaha, with a remarkable pertinacity to the rights thus given them, have thus far resisted every attempted encroachment upon the privileges and benefits arising out of such grant or dedication. I do not believe the masses of our people will ever relinquish their interests in this park. Its enjoyment is open to every class alike, rich or poor, millionaires or paupers. AN OLD SETTLER.

[The writer of the above is one of the ablest members of the Omaha bar and thoroughly conversant with all charter and municipal legislation in this city during the last twenty-five years.—ED.]

A WORKINGMAN'S OPINION.

He Objects to the Dictators and Political Bosses.

OMAHA, Jan. 28.—To the Editor of THE BEE: Your correspondent is an outsider, having no property in Omaha, in fact, in no way interested where the city hall may be located. But I think it's about time the workmen and the honest taxpayers of Omaha should pull the mask off this would-be dictator of the public affairs of the city. Is not he the same person who is sometimes found in the commissioners' office, darning the board to help out any enterprise for the good of the community unless he is consulted or in some way interested himself? Is his bulldozing tactics he defeated the possibility of a railroad to the north because he was not in the deal. What has this John Kelly ever done for Omaha that the people of this city will do his bidding? The man, who in his own words calls the workmen who rests in Jefferson square a lot of loafers and bummers. I wonder what he will call the same men on election day when he will want them to vote with him? His scheme? His first argument in the World is without one commendable feature—for instance, he says: "Never erect a beautiful public building behind private business houses for the benefit of the people." The man who in his own words calls the workmen who rests in Jefferson square a lot of loafers and bummers. I wonder what he will call the same men on election day when he will want them to vote with him? His scheme? His first argument in the World is without one commendable feature—for instance, he says: "Never erect a beautiful public building behind private business houses for the benefit of the people." The man who in his own words calls the workmen who rests in Jefferson square a lot of loafers and bummers. I wonder what he will call the same men on election day when he will want them to vote with him? His scheme? 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