

THE DAILY BEE.

E. ROSEWATER, Editor. PUBLISHED EVERY MORNING. TERMS OF SUBSCRIPTION: Daily (without Sunday) One Year, \$8.00...

THE BEE IN CHARGE. The Daily Bee is on sale in Chicago at the following places: Palmer house, Grand Pacific hotel, Auditorium hotel, Great Northern hotel, Gory hotel, Lehigh hotel.

ALL communications relating to news and editorial matter should be addressed: To the Editor.

BUSINESS LETTERS. All business letters and communications should be addressed to The Bee Publishing Company, Omaha, Neb. Drafts, checks and postage orders to be made payable to the order of the company.

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SWORN STATEMENT OF CIRCULATION. State of Nebraska, County of Douglas, George H. Tschelch, secretary of THE BEE Publishing Company, does solemnly swear that the actual circulation of THE DAILY BEE for the week ending August 19, 1893, was as follows:

Monday, August 15, 28,033; Tuesday, August 16, 28,731; Wednesday, August 17, 28,740; Thursday, August 18, 28,744; Friday, August 19, 28,744; Saturday, August 20, 28,743.

SWORN TO before me and subscribed in my presence this 19th day of August, 1893, J. P. Felt, Notary Public.

Average Circulation for July, 1893, 24,258. THAT "Independent paper" repudiates the movement for a nonpartisan judiciary.

The commercial agencies take a more hopeful view of the financial situation and are beginning to admit that times are on the mend.

The next step in the railway kaleidoscope should be a dissolution of the injunction and the enforcement of the maximum freight rate law.

REPRESENTATIVE FELLOWS of New York is going to reply to Congressman Bryan's silver effort on Tuesday next. Fellows will no doubt tell Bryan what he ought to have said.

THE NEW YORK SUN says that Governor Boies owes his election to republican dissatisfaction with prohibition. The republicans are about to remove the cause of dissatisfaction.

THE Nebraska delegation in congress may not be harmonious on financial issues, but whenever the passage of a Nebraska appropriation is at stake they will be found pulling at the same rope.

THE people of Kansas have revived an old project to split the state in two parts and have two states instead of one. By continuing the subdividing process indefinitely Kansas may yet secure a majority in the United States senate.

A GREAT many banks may fail and a great many factories may close while the worthy members of congress are exhausting themselves in an interminable debate over the financial problems. The crying need of the day is action, not words.

AN INCREASE in the size of the house committees may not conduce to the efficient dispatch of business, but it will supply a few more places by which the speaker will be enabled to satisfy the demands of the numerous ambitious congressmen.

A BOND swindle scheme can withstand the pressure which urges it on to insolvency only so long as the new suckers continue to be caught in numbers corresponding to an increasing geometrical ratio. The disastrous end cannot be many years postponed.

WE ARE told by a local paper that the agitation for a nonpartisan judiciary is dying out. It seems to be exerting itself quite well considering its dying condition. A glorious revival will show that the nonpartisan judiciary has not yet given up the ghost.

SPEAKING of practical Christianity, the man who would best serve his fellow man might act as worthy example by restoring his hoarded funds to general circulation, thus doing something toward relieving the financial depression which is bearing hard on the men who have no savings to hoard, but who are dependent upon their daily wages for their support.

THERE is a sinister significance in the statement that the disaster which has overtaken the Northern Pacific was materially hastened by the radical cut in rates made by Jim Hill's Great Northern system. The fact that Mr. Hill has already proposed to purchase the Northern Pacific and consolidate it with his own line warrants the suspicion that the assaults upon the credit and revenues of the Northern Pacific were not entirely the result of chance.

COMPETENT and unprejudiced judges like Governor Furnas give it as their opinion that the Nebraska exhibit at the World's fair is accomplished by the very process for which it has been made. It is advertising the significant agricultural resources of the state and attracting the attention of thousands of well-to-do farmers of the eastern states who are looking to the west for homes either for themselves or their children. It is an exhibit which convinces even the most casual visitor that Nebraska is a grain-producing and stock-growing state has no superior and but few equals on the globe. It also proves conclusively to the dairy farmer, the bee keeper and the fruit grower that he will find in this state every advantage for the pursuit of those specialties. This is the kind of an advertisement the people of the state are paying for and it is what they are getting.

THE ISSUES JOINED.

The attorneys acting in behalf of the members of the State Board of Transportation have filed their answer to the petition of the railways asking for an injunction of the United States circuit court to prevent those public officials from doing their duties under the provisions of the maximum freight rate law. In this answer the issues that are at stake are distinctly joined. The various allegations made by the railroad attorneys are flatly denied, and the court is requested either to make them prove their pleadings or to dissolve the temporary injunction.

The legal battle before the courts will be fought by the state along several lines. The state's attorneys claim that the railroads affected by the bill are purely domestic corporations and that as such their rates of charges upon freight transported between points within the state are subject to legislative regulation without the interference of federal authorities of any kind. They emphatically assert the power of the legislature to constitutionally enact statutes fixing reasonable maximum rates. Furthermore that house roll 33 creates a specific procedure by which any injustice either to railways or shippers may be remedied by appeal either to the State Board of Transportation or to the regularly established judiciary of the state. In view of this provision, all jurisdictions of the federal court to inquire into the reasonableness of the statutory maximum rates is denied. But should the federal court persist in assuming jurisdiction, the state's attorneys will be ready to champion the reasonableness of the rates established, not only by questioning the statements of the railways as to the cost, capitalization, bonded indebtedness and profits of their lines, but also by comparing the rates with those previously in force, and with those in force in the similarly situated state of Iowa. They show that Burlington stock is three-fifths water, that dividends have, in reality, been 20 to 25 per cent, and that the expense account is excessive and unwarrantably large, while receipts are diminished by personal favors and free transportation.

The defense that will rest chiefly on a three-fold pleading. First, the state's attorneys deny jurisdiction of the federal court. Second, they uphold the constitutionality of the legislative action. Third, they assert that no property is taken without due process of law, because the maximum rates are, in themselves, reasonable. With the issues thus joined, and with able lawyers to defend the validity of the statute, let the battle proceed in order that the law may be vindicated at the earliest possible day.

CHAUTAUQUA EAST AND WEST.

The 1893 season of the western Chautauqua assemblies has been closed, although the original Chautauqua session at the home of the movement in New York state is but now ending its active operations for the summer. In this fact alone we have one mark of the essential differences that distinguish Chautauqua in the east from Chautauqua in the west. With us the assembly seldom lasts longer than two or three weeks and the limits of time form one of the most potent obstacles to extended and thorough work. The necessity of crowding everything into a too brief period of study offers some excuse for a departure from the principles upon which the movement was founded.

At the bottom of the Chautauqua organization lies the idea that regular and scientific study can be brought home to the ambitious student by a course of systematic reading under the direction of trained instructors. The outdoor assembly is but a means of supplementing the pupils' work by a series of lectures and recitations modeled very much upon those which are prescribed for the students in our better colleges and universities. To this idea the original Chautauqua has consistently adhered; it is practically a summer session of a college—a college which gathers together its faculty from among the most available and best fitted members of the educational corps of all our leading educational institutions. Its continued success in attracting both students and professors is ample evidence that the program is one of merit and of real scientific value.

Compare with this original Chautauqua the Chautauqua of the west and we shall find that the latter not only started on a plane far below that of its model, but also that it has on the whole failed to make any noticeable progress toward bringing it nearer to the ideal to which it ought to aspire. Besides the unfortunate time limit which embarrasses the Chautauqua in the west to which we have alluded, these institutions have so slender and precarious a connection with the Chautauqua organization that their work scarcely comes within the purview of a person pursuing a systematic course of study under guidance of the reading circle. The attendants at the assembly then are not those who could profit by the work which might be expected, and even did the real student attend, disappointment in the facilities offered would no doubt force him to consider his time worse than wasted. An examination into the methods, purposes and programs of some of these institutions will soon show the reason for their failure as viewed from an educational standpoint.

The great defect in the Chautauqua assembly of the west is that it loses sight almost completely of the Chautauqua idea. Educational features are everywhere sacrificed to drawing attractions. We read in one report: "This was the big day of the Chautauqua. It was entirely in the hands of the Grand Army of the Republic and was presided over by its commander." "A brilliant display of fireworks ended the day's justification." From another we learn that "this has been Old Fellows' day at the assembly and consequently was attended by a large number of the order." And we hear of "Lincoln day," "Traveling Men's day," and various other "days" when the entire exercises are given over to outside organizations. If this is developing the Chautauqua idea, our conception of that idea is greatly in error. Education cannot be popularized in any such manner. If the promoters of the

western Chautauqua want to run a summer camp meeting, or if they wish to inaugurate outings for various classes of the community, let them act with that distinct understanding. But if they have the better education of the poor and worthy student in mind, let them abandon these spectacular methods and emulate, so far as is possible, the work of the original Chautauqua.

WHAT IS A LOTTERY?

The promoters of bond schemes indignantly deny there is any element of chance in their business. They insist that the system of bond payment based on the multiple of three, and those having no multiple basis, are within the comprehension of the average man. Admitting the latter proposition, it confirms the charge that the element of chance is a factor in securing business. It is the possibility of getting ahead of the game—of securing an early maturing bond—that constitutes the lottery feature of bond schemes.

"What is a lottery?" Webster defines it as "a scheme for the distribution of prizes by lot or chance; especially a gaming scheme in which one or more tickets bearing particular numbers draw prizes and the rest of the tickets are blanks." Under this and like definitions bond promoters imagine there is a loophole for escape, in that all bonds are to be paid; that there are no blanks, and that all persistent investors will receive the amount "nominated in the bond." The courts and writers on criminal jurisprudence construe lotteries to mean much more than defined by Webster.

"To constitute a lottery," says Bishop (Statutory Crimes, sec. 955), "there need be no blanks, but there must be some property disposed of by lot." Again in sec. 952, he says: "A lottery may be defined to be any scheme whereby one, on paying money or other valuable thing to another, becomes entitled to receive from him such return in value, or nothing, as some formula of chance may determine." Precedents established by courts are equally clear in defining as lotteries devices similar to bond schemes.

A case reported in 23 N. J. law involves the two points of chance and the absence of blanks. A piece of property was subdivided and each lot sold for an equal sum. The lots were of unequal value. The scheme was prepared and exhibited previous to the sale, and the purchasers paid their money not for an equal undivided share of the land, but in the hope and expectation of obtaining a valuable allotment and thus enriching themselves at the expense of the others. In deciding the case Chief Justice Green said: "The fact that the scheme contained no blanks, but that every adventurer was to receive something for his money only rendered the device more successful and the results consequently more injurious without altering its essential character as a lottery." A case involving similar points was decided in 1818 by the supreme court of Pennsylvania (4 Serg. & R. 151), Chief Justice Telfair pronouncing the scheme a lottery.

In the early '60s, when lottery agents were required by law to pay a license of \$100, a land speculator in Astoria, Ore., sold a number of lots of equal value at an even price per lot. But to give eclat to the sale he offered a few extra lots as prizes to purchasers. When charged with operating a lottery without a license his defense was that there were no blanks and as every man received an equivalent for his money, he was not liable. Judge Deady, late justice of the federal court of Oregon, held that the device was a lottery. In Bell vs State (5 Sneed, 507, 509), Judge Caruthers of Tennessee says: "A lottery is a game of hazard, in which small sums are ventured for the chance of obtaining greater."

There is a practical unanimity in all published decisions that who ever the element of chance becomes a consideration the device is a lottery. Chance is the main feature of bond investment schemes. State and federal laws prohibit lotteries. It remains for the proper authorities to enforce the law and suppress lotteries, in whatever guise they may appear.

INTERNATIONAL ARBITRATION.

In answer to a question regarding the moral effect of the Bering sea arbitration upon the nations, Mr. Phelps, one of the American counsel, expressed the opinion that it would be good. A like opinion has been expressed by the peace congress, which adopted resolutions approving of arbitration for the settlement of international controversies. The New York Tribune, in an article on the decision of the Paris court of arbitration, said: "The moral effect of international arbitration must not be overlooked. It is a distinct gain for civilization to have matters at issue between great nations submitted to a court of this high character. It is an object lesson for Europe with its circle of military camps and its impoverished populations staggering under the burdens of war taxation in a time of profound peace. England and the United States can well afford to pay the costs of an arbitration which exerts a beneficial educational effect in promoting the ends of peace and good will among nations. If the results of the arbitration are equally satisfactory to England and the United States the object lesson is the more valuable for the humane ends of civilization. The world now knows that it is practicable for two nations to submit their claims and grievances to an international court and to obtain a decision which will be mutually satisfactory. It is a practical lesson in the higher arts of civilized progress. This is the spirit in which the latest and one of the most important of international arbitrations is generally regarded."

It is distinctly to the honor of the United States, among the great nations of the world, that arbitration for the settlement of international disputes has so grown in favor with enlightened governments. For a century this country has been the advocate and exemplar of the principle of arbitration. The first trial of the method was made in 1791, to settle a dispute as to what river was intended under the name of the river St. Croix, forming

part of our northeastern boundary.

The second appeal to arbitration was made in 1797 and was to determine the compensation due to British subjects in consequence of impediments which certain of the United States had, in violation of the provisions of the treaty of peace of 1783, interposed to the collection of bona fide debts by British creditors. The most important arbitration under the treaty of 1783 had relation to questions of contraband, the rights of neutrals and the finality of the decisions of prize courts. Several disputes that were submitted to arbitration arose under the treaty of Ghent, negotiated in 1814, the most important of these having reference to determining the northern boundary of the United States along the middle of the great lakes and of their communications by water, finally settled by treaty in 1842. A very important arbitration related to a general settlement of claims between the United States and Great Britain and was provided for by a convention concluded between the two governments in 1853. The treaty of Washington, concluded in 1871, provided for four distinct arbitrations, the largest number ever established under a single convention. The first in order and importance was that at Geneva, which has been referred to as "the noblest spectacle of modern times, in which two great and powerful nations, gaining in wisdom and self-control and losing nothing in patriotism or self-respect, taught the world that the magnitude of a controversy need not be a bar to its peaceful solution." It was this memorable arbitration that settled the Alabama claims. The last of the arbitrations between the United States and Great Britain before that relating to the Bering sea dispute was held in 1877 and related to compensation due to Great Britain for privileges accorded by the treaty of Washington to the United States in the north-eastern fisheries. This country has arbitrated differences with France, Spain, Mexico, Hayti, Venezuela, Colombia, Paraguay, Chili, Brazil, Peru, Portugal, Denmark, China and the two Sicilies.

Although the United States has entered into forty-eight agreements for international arbitration, referring to which Prof. John Bassett Moore of Columbia college, from whose published investigations the above facts are derived, says: "The arbitrations of the United States have embraced many types of international controversy and many highly important questions of law, both public and private. Not infrequently the questions in whose solution they have resulted were hotly discussed as just and almost necessary causes of war, involving national rights and national honor. If the contending parties had resorted to force they would perhaps never have realized how easily and honorably their differences might have been adjusted by reasonable methods. If the United States and Great Britain, instead of making the treaty of Washington, had gone to war about the Alabama claims, which involved the rights and honor of both countries, and even the public legislation and the conduct of the public authorities of one of them, it is probable that many patriotic writers in both countries would now be engaged in showing how impossible it was to submit such questions to arbitration." The sentiment in favor of international arbitration has made marked growth in the last half a century, very largely due to the example of the United States, and the latest evidence of the value of this method of adjusting controversies between nations is very sure to further strengthen that sentiment. Still there are many who will continue to believe that there are some causes of international differences which cannot be decisively settled, except by resort to force. Prof. Moore, it may be remarked, appears not to be one of these.

THE HOUSING OF THE POOR.

When the census reports that nearly five dwellings out of every 100 in the United States are occupied by more than ten persons each, while in Chicago the ratio reaches one out of four, and in New York one out of every two, the importance of the problem of housing the poor becomes apparent at a glance. The crowding of people into buildings built for the accommodation of more than one family is an incident of urban life and is a phenomenon that has been constantly increasing with the increased density of our population. The topic is one of great sociological interest and no more clever handling of it could be expected at this time than is found in the recent monograph of Marcus T. Reynolds, who by his work won the prize offered by the American Economic association last year.

The tenement house evil and the extremes to which crowding the poor may be carried have been manifested more sharply in New York city, and as a consequence Mr. Reynolds confines his study chiefly to those phases of the question which have there become prominent. The unsanitary tenement is, alas, too frequently met at the present time, but existing buildings are nevertheless a vast improvement over what was formerly the custom. With no building regulations, with no sanitary inspection, the shells degraded to bring the largest financial return in the shortest possible time were transformed into breeding places of disease, vice and crime, a menace to the health and continued welfare of the entire community.

UNWARRANTED KICKING.

When the republicans are in power the democratic minority can never be depended upon to do the right thing. When the democrats are in power the republican minority is the hope of the nation.

Things Come in the Way.

The corn crop and cotton crop are good. The cattle on a thousand hills are fat. The wool crop and the fruit crop never better. It is only the politician's crop that is a failure. Grin and bear it and make a change when the time comes.

Misery Loves Company.

The hard times in England are much worse than here. The summer very few men of affairs were able to leave the metropolis for even a fortnight's vacation, while the politicians have been compelled to leave their seats in the House of Commons by constant attendance in Commons during the vigorous and bitter home rule fight. London is far from happy just now, but it has company in its misery.

PEOPLE AND THINGS.

Although Miss Silver has broken with Cleveland she will doubtless remain a sister to him.

Even if the country did not gain all it contended for before the arbitration court, there is cause for congratulation in that more chausson and contra bones mores were knocked out of the seal ring.

If the unemployed will take themselves to the harvest fields they can make in work up to the bridges.

The dispatches favor Mr. Sattoli with a profusion of titles. He is called "ablegate," "delegate" and "legate." The former designation, as applied to the papal representative, is wholly wrong. An ablegate is a bearer of messages—a messenger. Delegate or legate signify what he is—an ecclesiastic representing the pope and possessing the authority of the holy see.

Having failed to focus in Bering sea, we are ready to admit that the whole business is a skin in the eye.

GOVERNOR'S GIFT TO IRO.

Buffalo Express: Having sent the pope a copy of the constitution of the United States President Cleveland now desires to furnish the pontiff a copy of his official papers as they were prepared and published for campaign use. These documents, then, are next to the constitution in importance, are they?

Washington Post: We do not doubt that his holiness will be moved by this thoughtful overture to an offer of similar and equal generosity, and predict that we shall thus be permitted to enjoy the spectacle of the two greatest rulers of the earth exchanging pledges of confidence and affection and setting an example of amiable human kindness which all may follow to their profit.

Cincinnati Commercial: We have little doubt that the pope will treasure the cabinet program he received from President Cleveland, and that when the vatican library receives the slender volume containing Mr. Cleveland's public papers and speeches it will be carefully locked up in a fireproof safe. It is not often that the vatican bibliophiles have an opportunity to secure such rare literary material without price.

Minneapolis Times: The United States is doing what it can to brace up the pope's library. He has been presented and has graciously accepted a copy of the constitution of the United States, and now President Cleveland makes him a tender of a book containing his public papers during his former term as president. With these two volumes at hand his holiness may get a good deal of valuable information about the people the pope has found it necessary to economize in every way in order to make both ends meet. Seven denominations supported the pope's election in Ashland, the county seat. They resolved to combine for the reduction of expenses, and so they dismissed sectarian bias for a time and decided upon a union church. The most popular pastor was selected by a vote of all the church members of all denominations and installed. In Clark county crosses have been a failure, and the people have found it necessary to economize in every way in order to make both ends meet. 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