

THE OMAHA DAILY BEE.

E. ROSEWATER, EDITOR. PUBLISHED EVERY MORNING.

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STATEMENT OF CIRCULATION. For the week ending March 24, 1894. Total for the month, 628,694.

Table with 3 columns: Day, Circulation, Total. Rows for Monday through Saturday.

Sworn to before me and subscribed by me this 24th day of March, 1894. N. F. FELL, Notary Public.

THE DUTY OF THE BAR.

When Cunningham B. Scott was elected as a member of the bench of this district there was general conviction among attorneys that his temperament and mental disposition totally unfitted him for the exercise of judicial functions.

The bar committee to which this matter was delegated took a great deal of testimony concerning his judicial conduct and we understand the findings of the committee were withheld upon pledges given by the judge that he would endeavor to give no further cause for complaint.

Within the past few months members of the bar have become convinced that some decisive action must be taken by the bar as a body to preserve the dignity and respect for the court of this district. It is now manifest that the bar has a duty to perform which it must not shirk.

Looking backward over a period of more than twenty years since The Bee was founded, this is the first time that any member of its editorial staff has been arraigned before any judicial tribunal on the charge of impeding justice by improper criticism.

The announcement of the death of General Experience Estabrook will cause most profound sorrow in this community. General Estabrook was among the sturdy pioneers who helped to found an empire west of the Missouri and left his indelible imprint upon the political foundations of our commonwealth.

The gathering of wealth was not a passion with him, but rather accidental and incidental to the growth of Omaha. Esteemed and respected by his associates, his memory will be cherished by all as one of the grand old figures of the early days of Omaha.

There will probably be reported to the house of representatives at an early date what is known as the Fithian free ship bill. This measure provides for the unrestricted purchase and registration of foreign-built vessels by American citizens.

It is reported that certain democrats in congress to awaken interest in behalf of this bill and that agents of British ship builders in eastern cities are exerting themselves in its favor. At the same time there is being manifested a strong opposition to the measure on the part of American ship builders.

Those people who are shouting to have the tariff bill passed by the senate and sent to a conference committee in a few days, or even in a few weeks, must be entirely ignorant of the usual course of legislation in the United States congress.

One good result has already accrued from the irrigation convention held here last week, and that is the awakening of the business men of Omaha to the possibility of expanding our commerce by stimulating immigration to the western part of this state.

Taking the usual experience of the written petition at the hands of congress as precedent, the probable action upon the presentation of the proposed living petition by no means encouraging to contemplate.

The new Broad street railway station in Philadelphia has just been completed sufficiently to permit the greater part of it to be opened for public use.

which the merchant marine has steadily declined. It is now proposed to make a radical departure from the policy that has prevailed all these years and allow American capital disposed to invest in shipping to buy vessels abroad, give them an American registration and sail them under the American flag.

The autocratic and unamerican attempt of Judge Scott to muzzle and terrorize the press and humiliate and degrade the bar of this city under pretense of upholding the dignity of his court impels me to enter an earnest public remonstrance against a proceeding which is without a parallel either in this country or in Great Britain.

There was one episode in this remarkable trial which the public may not have clearly understood. When the trial began two lawyers took seats behind the prosecuting attorney, and during its progress they played the role of prompters from behind the scenes.

The trial had dragged along about ten days when one of my attorneys reported to me that he was informed by a high official of this county that it had been arranged and foreordained that I should be bound over on one of the two complaints in any event, and that I should be forced to stand trial before Judge Scott in spite of his known prejudice against and bitter hatred toward me.

During these long years more than a score of judges have occupied the bench of this district, but not one of them for the irascible and unreasoning judge who temporarily occupies the criminal bench of this county to make an exhibition of himself by venting his spleen upon the court reporter of The Bee, insult and abuse the attorneys employed for his defense, and attempt to strike down the bulwark of American liberty—a free and untrammelled press—by threats of exclusion and condign punishment.

On the day before the late election I addressed an open letter to the citizens of Douglas county over my signature through the columns of The Bee, under the caption: "A Last Word of Warning." In that letter an earnest appeal was made to the voters against the re-election of George A. Bennett as sheriff on the ground of incompetency, gross neglect of duty and flagrant disregard of law by himself and deputies.

The result of the election was that Bennett was re-elected, and the sheriff and his deputies have been in the county jail to fall into the hands of the negligent and law-defying deputies. Jail deliveries had become frequent and an instance was cited where a citizen prisoner was released from jail by a deputy without an order of the police judge or mayor.

There was abundant testimony to show that the information relating to the alleged abortion came to me from credible sources such as any prudent editor would have reason to believe to be true. Hence, it follows that there was no fabrication and no malice on my part, and the prosecutor ought to know enough to know that no honest man or set of men would vote to place a stigma upon an editor under such circumstances.

Now I do not contend or desire to intimate that Judge Berka would knowingly allow himself to be used as a tool in the hands of political conspirators, nor do I believe Judge Scott would knowingly be a party to such an infamous plot, but that such a conspiracy has been hatched I firmly do believe.

The question is: shall justice be outraged and the machinery of the courts used to perpetrate a monstrous wrong? I have voluntarily undergone a costly four weeks trial in the police court, an order that the truth might be thoroughly sifted and both myself and the county spared the needless expense of a protracted jury trial.

Now where is there any warrant or excuse for placing this case on the docket? If it is under pretense of vindicating the majesty of the law then why does not the county attorney vindicate the law by seeing that men who plead guilty of forgery and grand larceny are sentenced and punished as the law directs?

At the outset of the trial the ruling of the police judge that the burden of the proof was upon the defendant placed me at great disadvantage. This ruling was so manifestly at variance with usage in criminal proceedings that eminent lawyers, both in and out of the city, expressed surprise at the procedure adopted in face of the fact that under the criminal law the presumption of innocence is in favor of the accused, and this presumption is to be regarded in every case, to the benefit of which the party accused is entitled.

It is characteristic stupidity. Indianapolis Journal. It is characteristic stupidity that while the nations of Europe are engaged in negotiating commercial treaties...

It may be remembered that in Adam's case judgment speedily followed confession. "Liver failure" promises to rival heart failure as a mask for medical misinformation.

The financial crookedness of McKean has reached \$70,000. The ex-loss was fortunate in flying from the wrath of his victims. He is reasonably safe in Sing Sing.

The evolution of a Chicago alderman from a clerkship at \$2,000 a year to a pious salary of \$15 a year as a municipal law-maker is inexplicable to the uninitiated.

Wilber has organized a camp of the Independent Workmen of America, with eighteen charter members. Champion, Chase county, citizens are going to tap the earth to a depth of 1,000 feet in search of artesian water.

Red Willow county is devoting a large amount of effort to the raising of a new dam. Pawnee county's Woman's Temperance union will hold a semi-annual convention at Table Rock on Friday and Saturday.

Fourteen-year-old Harry Deck, living at Table Rock, had his shoulder dislocated by a horse falling with him while chasing cattle. Albert H. Jones, treasurer of Red Willow county, died at Flagstaff, Ariz., while on his way to California for the benefit of his lungs.

William Graham, hardware merchant of Christian, Kan., died of a heart attack from England that by the death of an uncle he has fallen heir to a small fortune.

At Niobrara the waters of the Big Muddy were so angry that they were tearing up the river bed. Samuel Sagasser, an old soldier, wandered away from his home in North Platte over the river and has not been heard of since.

Ladies of Surprise were very much surprised to learn that they found, after they had been to great trouble to prevent the granting of a liquor license to Druggist Leard, that Mr. Leard had made no application for such a license.

Old John Rigler, the noted Chadron gambler, who died a short time ago, left a fortune of some \$1,000 and \$1,200, and now his will is being contested by a squaw at Round Grove who claims to have been married to him in days gone by.

In an article on the possibilities of Columbus, the Argus of that place challenges contractors to any point in America for natural advantages. With the Loup river on the one side and a range of good clay hills on the other, between 200,000 and 300,000 acres of the most generous soil lying "as pretty as a picture for irrigation purposes," the Argus considers the invitation to develop the resources of this neighborhood as irresistible to an enterprising people.

The result of the temperance reform into politics has been to withdraw attention from a large degree from those moral forces that have done so much in the past sixty years to moderate the evil of intemperance. To be sure, the latter have not been abandoned, nor have efforts in that direction been barren.

There will be a general election in Kearney, Neb. The women of that lively town have held a convention and nominated candidates of their own for every office. Moreover, they have adopted resolutions that all the male candidates are "too cowardly to do their duty in regulating vice and corruption."

There are rumors of corruption in the Omaha council, which is getting too ambitious for a city of her size.

HERE AND THERE.

It is a question whether widows or partitioners hold the balance of power in Washington. "Carry out the platform," exclaims the Atlanta Constitution. Second the motion. Send it to the garbage heap or burn it.

The movement in favor of Vice President Stevenson for president in 1896 is enthusiastically applauded by those who reverse his memory as a headman.

William Finney Teeple, who died at Manchester, Pa., a few days ago at the age of 76 years, was famous as a deer slayer. He began killing them when 11 years of age and is said to have shot not less than 3,000 of them.

"Soapy" Smith, the slippery heeler who was conspicuous in the defense of the city hall in 1892, is as peaceably inoffensive in our ears as Canada Bill, and as smooth a con man as Doc Boggs of olden memory.

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REFLECTIONS ON ADAM.

St. Louis Republic: The more we read the developments in the Breckinridge-Hillard trial the more we wonder that the Kentucky Star-Rye Goddess of Reform escaped.

Philadelphia Inquirer: Have we advanced no further than the Garden of Eden? Breckinridge makes the same old defense that Adam did—"The woman did tempt me." But Adam got his punishment just the same.

Washington Star: Adam's pitiful excuse, throwing the blame on the woman, was not accepted, and both Adam and Eve were turned out of Eden together. The decision that case does not present an encouraging precedent for either the defendant or the plaintiff in the celebrated case now pending.

New York Tribune: And yet this "honorable man" must know what manner of people his constituents are, and he is said to be "quite confident" of renomination and re-election. A more amazing exhibition of colossal insensibility to shame and disgrace was never witnessed.

Plain Dealer: Yes, man is the stronger vessel—but he is to be often baited out. Detroit Tribune: "Did he get into society very much?" "About \$5,000, as report has it."

Yonkers Gazette: A hanging committee at art exhibitions is so called because it keeps the artists in suspense. Life: Ralph—Suppose a fellow's best girl gets mad when he asks for a kiss? Curtis—Take it without asking. Ralph—Suppose she gets mad then? Curtis—Then he's got some other fellow's girl.

Indianapolis Journal: "What are you studying to do about the new federal building of the rock-rubbed democrat." I was just trying to figure out in my own mind whether the man Cleveland is the Jester or the Fool.

Philadelphia Times: Anybody with even half an eye may see the rider is crooked, but that's no proof he stole the bicycle. Tid Bits: "The way to sleep," says a scientist, "is to think of nothing." "That is a mistake. The way to sleep is to think it is time to get up."

Washington Star: "Why, sir," said the young man, "do you refer to this as a river museum?" "Because," replied the editor, "it is a freak. It has more than the normal number of feet."

Milwaukee Journal: It is astonishing how much amusement other people imagine that a man gets out of his work. Buffalo Courier: Jillson says he has noticed that some men are a great deal like rivers. When they are swollen they swell you realize it from their mouths.

Washington Star: "What do you think of Senator Sobson's career?" "Oh, I can't say, as yet." It is largely a matter of speculation. Life: "Papa," said the Fiji Island maiden, as she laid down her paper, "I have just read that bill room dresses are daily becoming more and more decrepit. What does that mean?"

It means, my child, replied her grizzled warrior father, as a flush of pride struggled with the Pacific tan on his brow, "it means that, uninvited as they call us, we are not beyond establishing a precedent."

VERNAL JOY. New York Press. There is a pleasure in these sweet spring days of which the poet sings. When Sol has decked the lanes and woods with crocuses and things. "What is that pleasure?" some one may enquire. "That joy that thrills the soul!"

No medical aid was lacking; The servants answered his ring. Respectfully heard his orders. And supplied him with everything.

But still there was something wanting; Something he couldn't command; The kindly words of compassion, The touch of a gentle hand.

ONE RESULT OF ADVERTISING.

Little Notice in The Bee Deluges Congressmen with Letters from Home.

SUPPLY OF MAPS IS ALREADY EXHAUSTED.

Members Ask that Their Constituents Be Notified that Further Requests Will Be in Vain—Faxon & Vieiling's Contract Signed by Carlisle.

WASHINGTON BUREAU OF THE BEE. 613 Fourteenth Street, WASHINGTON, March 25. That it pays to advertise in The Bee there can be not the least doubt, for it has been proven that nearly everybody in Nebraska and the surrounding states read it.

The supervising architect of the treasury today informed Mr. Carlisle that he had allowed the claim of O. J. King of Omaha for extra work upon the foundation of the new federal building in that city, amounting to \$2,000 less \$400.

Secretary Carlisle today signed the formal and final contract with the Paxton & Vieiling company of Omaha for furnishing the iron work in the new federal building in that city. The award was made as announced by The Bee last week.

Representative Mercer expects to leave Washington with the house committee on public buildings and grounds, of which he is a member, on next Sunday for Chicago, where he is already expected to investigate the needs of that city for a new federal building. He will likely go to Omaha before returning here.

NATIONAL BANK CHANGES. The comptroller of the currency has, during the past week, been officially advised of changes in the officers of national banks as follows: Nebraska—The First National bank of Stanton, F. McGovern vice president; the Crate National, John Clay, Jr., president in place of John R. Johnston, F. H. Connor vice president in place of Frank A. Kemp, V. C. Spink cashier in place of Frank H. Connor.

Iowa—The Okaloosa National, C. E. Lupton, cashier; the First National of Garrettsville, Charles W. Knapp cashier in place of J. J. Upton. The First National of Lewiston, A. W. Krontinger, cashier in place of A. W. Krontinger, Jr. The First National of Dewitt, Neb., has gone into liquidation.

The Bankers National of Chicago has been approved as reserve agent for the First National of Sterling, Neb.; the National Bank of Commerce, St. Louis, for the National State bank of Burlington, Ia.; the United States National of New York for the First National of Garner, Ia., and the Citizens National of Des Moines for the Sioux City National.

In the supreme court of the United States today the motion to advance the case of the Great Western Telegraph company against Hiram Purdy, from the supreme court of Iowa, was denied. R. W. Brookridge and Charles Rosewater of Omaha are spending a few days in the city. The former has business before the executive departments, and the latter, who is a student at Cornell, is on a little vacation.

Governor McKinley of Ohio has written Representative Mercer that he will be unable, on account of other engagements, to address the Republican League clubs of Nebraska as requested. Representative Hainer has prepared for introduction in the house a bill establishing agricultural experimental stations in Alaska on the same conditions and for the same purposes as those in the states, except that they will not be connected with or dependent upon colleges.

Samuel Thompson was today appointed postmaster at Houston, Custer county, via Levi Staples, removed, and J. M. Stevens at Grantham, Meade county, S. D., vice J. W. Burton, resigned. Secretary Smith has authorized Colonel William F. Cody to hire 125 Indians for exhibition in his show. Most of the redskins will be Sioux and come from Nebraska, while there will be a large representation of Comanches. This is the first concession made this season of Indians to be taken from reservations with shows.

PERRY S. HEATH.

BROWNING, KING & CO. The largest makers and sellers of fine clothes on earth. Your money's worth or your money back. When it's warmer. The new style spring suits will be in greater demand again and more men will be in to be fitted than the salesmen can take care of—it's always that way—everybody comes when the rest do—but you— you will come tomorrow—for that's the day we open up another new lot of dainty checks and stripes—very select—not many of them. If the crowd comes with you the chances are you'll get left, for no one else sells them. BROWNING, KING & CO., S. W. Cor. 15th and Douglas Sts.