

THE OMAHA DAILY BEE

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WHAT IS A RIGHT-OF-WAY?

The attempt of the Union Pacific tax agents to chase Douglas county and the city of Omaha out of local taxes on forty-seven blocks and parts of blocks, exclusive of streets and alleys, that constitute the Union Pacific machine shop grounds, by turning them into the state dump as right-of-way, again brings to the forefront the question, "What is a railroad right-of-way in Nebraska?"

In the state of Pennsylvania a strip of land sixty-six feet wide traversed by main tracks and side tracks is a legal railroad right-of-way, while in New England the right-of-way of a railroad ranges from fifty to sixty feet in width, and in the state of Iowa from sixty to 100 feet. But in Nebraska a right-of-way is anywhere from 100 to 400 feet in width. The right-of-way along the main line of the Union Pacific has been from 200 to 400 feet wide. A large strip of this right-of-way west of Omaha to Grand Island has been fenced out of the right-of-way and leased as farming land, but is returned to the state board for assessment as right-of-way. In the returns made to the State Board of Assessment by the Union Pacific railroad for 1904 the grounds adjacent to and under the machine shops at Omaha, with a width of from 500 to 1,500 feet, were returned as right-of-way. While a strip of land 1,500 feet wide required for railroad depot grounds and terminal facilities might be legitimately assessed as depot ground, it can hardly be assumed that a strip of land 1,500 feet wide which is not even touched by the main tracks of the railroad can be included in a right-of-way under any pretense.

The courts of law have always construed the law relating to rights-of-way very liberally, but no court that has any regard for its reputation would construe the law of Nebraska relating to rights-of-way to mean a strip of land 1,500 feet wide, or for that matter more than 200 feet wide, especially where it is not adjacent to or part of the trackage system of the railroad. The palpable object of throwing in almost the entire machine shop grounds into the right-of-way dump was to prevent both city and county from levying a tax on this property in proportion to its value, notwithstanding the law expressly exempts railroad machine shops from being returned with other taxable property of a railroad to the state board for general assessment on a pro-rata mileage basis. Sooner or later the exact dimensions of a right-of-way and the uses to which it may be put legitimately will have to be defined by law. Until then, however, the local assessors should assert the right of the city and county to assess and tax machine shop grounds as well as the buildings, as has always been the custom, and as the new revenue law, as well as the old revenue law, contemplates.

It appears that the reciprocity treaty with Cuba is not altogether satisfactory to the mercantile interests doing business with the island and that they will ask congress to modify the conditions of the agreement. It is said that the practical operation of the treaty has thus far not been to enable American manufacturers to compete with European goods, notwithstanding the differential. A New York exporter is quoted as saying that in spite of the supposed great advantages which would accrue to American manufacturers and to the dealers in and the handlers of products of American origin, owing to the discriminating duties in favor of the United States provided by the treaty with Cuba, it now appears that the differential duties in our favor are in many instances not sufficient to increase our trade with the island. It is pointed out that this condition of affairs is due to the relatively cheaper European labor. For example, our cotton textile fabrics cannot compete with prices named for goods of European manufacture and the same is true in regard to some other articles. According to eastern merchants doing business with Cuba, the island is deriving nearly all the benefit from the reciprocity arrangement and they propose to make an appeal to congress for its modification, although there appears to be little reason to expect that such an appeal would have any effect. The treaty is to run for a specified period and it is not at all probable that any change will be made in its terms during its designated time of existence. But what American merchants are saying in regard to its operation makes pretty certain that it will not be renewed, unless there should be a very decided change in trade, when the date of its expiration is reached.

THE DEAL WITH TAMMANY. Recent reports are to be trusted the democratic candidate for the presidency has made a deal with Tammany which assures the earnest support of that political organization. There is no definite information as to the nature of this deal, but there seems to be no doubt that it leaves to Tammany, as the condition of its support of the national ticket, the absolute control of the politics of New York City and of the state. The proposition appears to be that Tammany shall be permitted to name at least the candidate for governor on the democratic ticket and shall be consulted as to some of the other candidates on the state ticket. In short, the Parker men, with the absolute acquiescence of the candidate, are quite willing to have Tammany receive whatever political consideration it may demand, even going to the extreme of ignoring certain leaders who are obnoxious to Tammany. The first and one of the most ardent of the Parker organs, the Brooklyn Eagle, is not at all pleased with the reported concessions that Judge Parker has made to Tammany, while expressing doubt as to whether the candidate has entered into such an agreement as reported, the Eagle thinks that if the

strife within the republican state organization. It's a good trick, but it doesn't work every time.

The Minnesota, Lincoln & Omaha Interurban electric railway will have to mark time waiting the result of tests of alternating currents. It is to be hoped that the tests will not alternate too long.

Latest dispatches from South Africa indicate that the Transvaal will have home rule just as soon as the British government is sure of a majority in a popular election and no sooner.

Nebraska crop conditions are much more favorable than was anticipated two weeks ago. For this every man and woman interested in the prosperity of Nebraska will be thankful.

The Omaha Park board does not seem to be torn up over paying specifications. Possibly it might be good policy to substitute the Park board for the Board of Public Works.

Tammany's Honored Policy. Washington Star. It has always been a part of Tammany's policy not to run any risk of letting national controversies interfere with its local plans and interests.

How to Help. Washington Star. It remains to be seen whether the bettering public time in discussing the question of "Does a shadow occupy space?" Should they reach an affirmative decision, a logical "follow-up" question would be: "Is it worth the space it occupies?"

Reign of Terror in Chicago. Chicago Chronicle. Note the prevalence of the pistol habit as revealed by the changing episodes of the strike at the stock yards. It is apparent that the policemen carry pistols—by divine right.

All the strikers carry pistols. All the strike breakers carry pistols. All the street car conductors and motormen carry pistols. All the "innocent spectators" carry pistols.

Man without a pistol in Packingtown would be as strange a spectacle as a man without trousers is usually presented in these words of President Roosevelt: "Our opponents now ask the people to trust their present promises in consideration of the fact that they intend to treat their past promises as null and void."

ASSASSINATION OF VON PLEHVE. Boston Transcript: Such a man easily comes to what was intended in the twentieth century without possessing those abilities which gave men like Metetrnich their prominence in the nineteenth.

New York Mail: There is a certain decency that is outraged by this act of domestic treason, performed when the enemy is at the door, and the traitor is a member of the protection in whom there is any sense of collective obligation and of duty to one's neighbor.

New York Post: While the assassination of the minister of the interior probably does not portend anything like an organized revolution, it does show a general domestic fire at home that Russia will certainly be slow to kindle fresh ones abroad. His conciliatory answer to the English demands today shows that it has all the fighting on its hands that it cares for.

Cleveland Plain Dealer: All that is no excuse for crime which cut short his career in what was intended in the twentieth century without possessing those abilities which gave men like Metetrnich their prominence in the nineteenth.

They say that Chairman Cortelyou will adopt Mark Hanna's campaign methods, but it is possible Hanna's campaign methods may not exactly fit in the present campaign. Every political campaign differs from every other political campaign just as every game of chess differs from every other game of chess.

Russian diplomats now announce that the educated Russians are not satisfied with the showing made by their country in the eastern war. The assassination of Plehve is not a reason but could be made an excuse for securing peace and in that event his death would not have been in vain.

The judicial district committee has fallen into the Blackburn mousetrap. In smashing all precedents and ignoring the county committee in the conduct of the primaries the judicial committee is evidently oblivious of the fact that it will require the machinery of the county committee to elect its candidate.

The trouble with Baisoull is that he wants to break into the Doctor Amador class when nature apparently did not intend for him that for the average bandit. It is not every revolutionist who can found a nation.

The demo-pop organ of these parts is trying laboriously to cover up the dissonance in fusion circles by conjuring up

BEFORE THE STATE BOARD.

Edmund C. Sand doesn't know what Editor Rosewater's real intentions are, but he does know he is generally stirred up through knowing. A whole lot of people don't profit by paying attention to what he says.

Kearney Hub: The fact that the principal railroad companies in this state have joined hands to fight their assessment by the state board, even to the extent of carrying their protest to the United States supreme court, gives the lie to the charge of "republican railroad machine," made by some populist and democratic newspapers.

Friend Telegraph: The efforts of Edward Rosewater before the State Board of Equalization in the interests of the farmer is commendable indeed. The corporations which under the new revenue law proposed to assess the farmer the farmer paid the expenses have signally failed, but are attempting to get farm property raised and their own lowered. Mr. Rosewater shows that the corporations are assessed 30 per cent too low.

O'Neill Frontier: Editor Rosewater is on deck again fighting with the State Board of Equalization to keep the assessment of farm properties down where they are and prevent a lowering of railroad assessment. Mr. Rosewater has been doing some good work for the state in this assessment dispute. Railroad property forms a sort of assessment basis and as this class of property has been assessed at about 35 per cent of its actual value there should be some difficulty in coming at a fair conclusion with respect to other property.

Columbus Journal: The three largest railroads in Nebraska have died protests with the State Assessment board against their assessment in the various counties. While it is true that the assessment of railroad property raised more than that of other property in the state, it does not follow that the railroad assessment is unjust. The state board took ample time to arrive as nearly as possible at the true value of railroad property. The board's method of equalizing the assessed value of lands on the basis of the sale value is fair and will be satisfactory to the people of the state. No change of value made on the request of the corporations will therefore be looked upon as fair or just. The Journal believes that the state board is composed of honest men and that they will "stand pat."

Grand Island Independent: Editor Rosewater appeared before the Board of Equalization yesterday "on behalf of the tax payers of Nebraska," to protest against an increase in the assessment of the property of Douglas county particularly and in the assessment of other counties generally. So far as Douglas county alone is concerned, it would be difficult for Mr. Rosewater to show the proper credentials as representative of the tax payers of the entire state. So far as his objection against a decrease in the railroad property is concerned, it will meet with the popular conviction of what is right and equitable in the matter. While there undoubtedly are some counties which should be increased, it is not likely that many great changes will or should be made. It is interesting to observe, however, that the newspapers of Omaha generally showed the revenue law in the stages of its enactment, as the work of the railroads, and that some of the influential newspaper men of that city are now before the board urging the members thereof not to heed the protests of the railroads.

Hastings Tribune: Edward Rosewater, the fighting editor of The Omaha Bee, appeared before the State Board of Equalization at Lincoln Tuesday and filed a petition requesting the board to equalize the assessment of all real and personal property as nearly as possible to the ratio of the assessment made against the railroads. He pointed out that the railroads represent more than one-third of the taxable wealth of the state; that the assessment of the railroad property for taxation during the year 1904 approximately \$28,000,000, or from \$65,000,000 to \$80,000,000 less than their true value based either upon their capitalization or their earnings, and the assessment of railroads for 1904 having been fixed at from 20 to 30 per cent below their actual value he urged the board to equalize the assessment of all real and personal property returned by the county assessor as near as possible to the ratio of assessment made by the Board of Valuation of Railroads. Mr. Rosewater was not alone in his fight upon taxation, but he put the protest and defended it with an able argument, and he deserves the support of all small taxpayers in his fight against the corporation tax dodgers.

PERSONAL AND OTHERWISE. Mrs. Max Pemberton edits all of her husband's copy and is a charming, cultivated woman of distinct literary attainments. Dr. C. H. Tittman, chief of the coast and geodetic survey, is about to start for Alaska to inspect the work of the surveyors of the boundary in behalf of the United States. Mrs. Richard Le Gallienne, wife of the poet, before her marriage was a brilliant French girl who was called "Norwegian" Danish girl. After her marriage she ceased to write and gives all of her fine thought to her husband. Sarasate, the famous violinist, is 80, and he has been playing his wonderful violin since he was 13 years old. It was the renowned Alard of whom he became the favorite pupil at the Paris Conservatoire, who exhorted him: "Wed thy violin, Sarasate, my son, but never a woman," and to his violin he has been faithful ever since.

The last of the noted group of General Grant's officers of the rebellion days is Major General W. T. Clark, now an inspector of the Treasury department. He served with the silent man from Springfield, Ill., to Appomattox. General Clark's present duties consist in checking up clerks connected with the Treasury department in all parts of the country, traveling about 25,000 miles a year. Charles M. Schwab's successor in the directors of the United States Steel corporation will probably be one of Andrew Carnegie's "boys," Thomas Morrison of Pittsburg. He is comparatively unknown in money centers in New York, but in the manufacturing region he has the reputation of being one of the brightest of the coterie of young men developed by Carnegie and Frick.

Lord Curzon is said to be one of the most original dressers in the British peerage. He wears his clothes out, fairly to the last thread. One of his valets is a practical tailor and keeps trousers and coats in the best of condition. Seven pairs of trousers, seven coats, seven waistcoats and seven pairs of boots serve the Indian secretary. He spends not more than \$60 a year on his apparel. No one can make a cent on his cast-off clothing.

The most puzzling thing about Esopus next to Judge Parker's position on public affairs, of course is the origin of the name. Philologists are busily working on the question and may arrive at definite conclusions about the time the jurist gives out his letter of acceptance. At present they are divided on its derivation between the Indians, the Dutch and the early English colonial governors, with the odds in favor of the Indians. Even Schoolcraft, authority on Indian matters, could not settle the question in his researches. He thought it might be from "Sepus," the name of a river among the Metosoa.

PESSIMISM OF THE PULPIT.

Gloomy Views of Present Condition of Society Not Justified. Archibald Hopkins in New York Sun. For some time past there has been manifested a tendency by various preachers to differ in their opinions as to the condition of the country without shift or appeal to the demerit of the people. One dwells upon the evils of divorce destroying the family and wrecking society; another upon the growing spirit of commercialism, and the wide prevalence of corruption in local politics and public life; still another sees ruin and downfall in the ravages of the demon drink, while others base impending decadence and disruption on Sabbath breaking, theater going and dancing. Each one is sure that if the evil he is attacking could be done away with, all would be well, and no two wholly agree in the remedy which should be applied. Taken together, they have produced the most dismal and dispiriting chorus which has been heard since the new century opened.

Such a general way familiar ground for the cloth, though they have been taking such subjects into the pulpit more frequently of late, because, doubtless, of the fact that the old theological discussions and doctrines of heaven, hell and such things by blood have ceased to draw or to be of any interest to the man or woman of average intelligence.

Such discussions monopolized most of the time and thought of the preachers of all sects a generation or two back, but they will soon be forgotten in the past. It is very much the same pessimistic wail as to existing conditions which we are hearing from the clergy of today.

They held a belief in regard to special providences which modern science has greatly modified, if not wholly destroyed; they believed in an earnest struggle against a destructive storm or an untoward event happened, they always saw in it, and announced, the punishment of some sin or fault in the community; and fresh disasters were predicted and invoked for those who were guilty of sin. The old pessimism, if not so frequent in his clerical of despair and foreboding, was still abroad in those days. The chief difference was that, instead of being told, as we are now, that we are in an alarming state which unless corrected must entail serious consequences, the hearers of those days were shaken over a literal and fiery hell and told they would be dropped in unless they mended their ways.

We of the independent laity have no wish to criticize or check the efforts of the pulpit or of any good man to expose and correct evils in society and lift it to a higher level of charity, brotherhood and personal character. On the contrary, we would co-operate with them; but we do not conceive that in order to do so it is necessary to represent the world as preachers constantly do, as going rapidly down to irretrievable ruin.

It is not true; the very opposite is true. Never was there a time in all history when the general conditions of humanity were as favorable as they are today. Go back to the days of Rome and follow the story of mankind down through the fearful periods of intellectual darkness, moral degradation, cruelty, oppression, ceaseless devastating wars, religious persecution and almost universal slavery, and compare them with what we find today. The rights of man as such, then hardly dreamed of, are now conceded to every one. The protection of the law and justice, then for the few, now belongs to all; the prisoner and the insane, treated then worse than beasts, are cared for; woman, then a plaything or a drudge, is man's equal; few the world read now, none need, and a student and the proportion of poverty to the population has greatly decreased. Then freedom of opinion was suppressed in the torture chamber and at the stake; now every man may freely express his views.

While wars have not ceased, they are less frequent and less protracted and cruel, and men the world over are kinder and more ready to recognize the duty to one another which a common brotherhood involves. Read the personal memoirs and correspondence of any earlier period, and you will be amazed at the numerous wars, taking up, as do the preachers of today, some particular aspect of society, instead that the world was on the brink of a precipice and about to fall in; that the end of all things was at hand, and that unless they thought and said and did as we go. Go as far back as you please and you will find the same sort of thing, and you will find, too, that in spite of such predictions, and right along with them, the world has slowly but steadily grown better.

Gentlemen of the pulpit, cheer up! Get a little more perspective and brush up your history. It is not so bad as you believe, or think, you believe, or think you ought professionally to believe, or at least think you must persuade other people to believe. Do not help us to believe, but help us to convince us that we are on the right road; that we have moved, though ever so little, and that the thing to do is to mend our pace.

TEST OF ENDURANCE. Present Aspect of the Big Slaughter House Strike. Chicago Inter Ocean. The slaughter-house strike has become merely a test of endurance. Neither side even offers to negotiate for peace. Both have settled down to a long and grim contest of brute force. Both are ready to submit to any endurance which the most enduring. However, the party which must endure most blows is neither the packers nor their former employer. The party which must stand between the combatants, bear the burden of keeping their warfare within legal bounds and endure the chief weight of that blow at each other all in general in which it has no material interest whatever, is the American people.

These are facts, and they are facts that come home to the daily lives of millions. They are facts which must make millions of the American people question whether there is justice in even the most trivial small groups of citizens of power so that a quarrel between these groups over money makes it harder for the whole people to live.

To find justice in conditions which thus give to a few such power by quarrelling between themselves to injure the many without interest in their dispute is impossible for the average man. That is why the public increasingly demands such control by itself over combinations of both labor and capital as will avert the injuries that are now now inflicting.

Capital rightly demands stability; and labor rightly demands a fair share of the fruits. But above and beyond both there is the demand of the people for a justice that will prevent both labor and capital from inflicting upon the whole people the injuries given by their conflicts of brute force and tests of endurance which the people endure most of the suffering.

Tip to Skrydloff. Chicago Record-Herald. One of these days the Vladivostok squadron will stop the wrong boat and have to go home on a raft.

A FUSILLADE OF WORDS.

Endless and Boresome Debate About the Mission of Women. The Editor of the Boston Herald writes: "All the talk about higher education that used to be discharged along about this time," remarks the Saturday Evening Post, "seems just now to be concentrated against the higher education of women. It makes them unfit for wifehood and motherhood, for housekeeping and plain living, and for everything women ought to love and be devoted to." We are told, all of this and more of the same kind is substantiated by formidable statistics—such statistics of calamity, real and impending as only the croaker knows how to compile, arrange and "discharge" upon an unsuspecting and reasonably contented world.

The fusillade of "talk" rumbles on and on, attracting more or less attention, but only the whole exciting little concern. Sentimentalists do not seem to mind over the natural trend of events, but regard mental development as a thing to be expected in a progressive age, regardless of sex, and refrain from vexing themselves or the community with words intended to limit its application to one-half of mankind. In plain contrast to this, there has recently been said upon this subject and its correlative subject, women in industry, and in striking contrast to the attitude of churchmen and educators of a century ago, are the views expressed by Dr. Newell Dwight Hillis, now lecturing at Glasgow.

Dr. Hillis recognizes, as does every manly man, the fact that the home is pre-eminently woman's field, but in common with other thoughtful men, he regards higher education and woman's part in our industrial life as elements in our development that are inseparable. He finds no gratifying results. He sees in the increase of wealth and leisure the gradual withdrawal of women from the earning force of the world and her return to the home, from which radiates social life and culture and happiness without which wealth and industry lose their consecration and incentive.

Most people, or at least many people, lose sight of the fact that woman's invasion (as it is called) of the industrial realm was largely brought about by the necessities of the situation. The statistics talk of women in industry as though they were there by reason of unwomanly ambition or the promptings of a rebellious spirit. Looking about us we see in reality but few women who are wage-earners from choice. We do see, however, a grand army of women who, in the sacrifice of their own inclinations, have become wage-earners in order that they and their dependent ones may have homes with the refinement and protection which the word designates.

Among women who accept the terms of a necessity that bids them go out into the world to make homes for others or to maintain themselves and their dependents in the real heroines of the age. The life is not of their choosing, but they accept its duties and rise to meet its opportunities—not half-heartedly and shamefacedly, but with spirit and dignity. If individually independent, they have been born of this necessity. He is a churl indeed who would begrudge the woman worker this legitimate need of her endeavor, or seek to belittle the womanliness that lies behind, if it does not shine through it.

Problem of the Harvest. New York Post. Starting out with but moderate promise the unucky Kansas rainfall, during harvest time, has so far cut down the probable yield of wheat that it will certainly fall well below last year's. At the same time unfavorable harvests in southeastern Europe have made it a virtual certainty that outside producers will not match last year's great yield. These circumstances render the problem of the grain trade in the coming season peculiarly complex, and will go far to test the forces of the market given above. How the outcome bears on the future of our export trade at large, may be judged from the fact that, measured by selling value, our shipment of wheat and flour in 1902 made up nearly 12 per cent of our total outward trade. In 1904 the ratio was barely 10 per cent. This again lends interest to a theory, lately somewhat prevalent, that the rise of our manufacturing and miscellaneous export trade has in the nature of the case, increased the proportion of our own agricultural production to the total, and does not produce the staple foodstuffs. To some extent, this is always the experience of a state whose manufacturing industry expands rapidly. But the transformation in our own case, so far as regards the cereal export trade, is a little too sudden to be accepted yet as complete or permanent.

MONDAY MIRTH. "How does that candidate strike you?" "That's the funny thing about him," answered Senator Tamm, "he hasn't struck me for anything as yet."—Washington Star.

Her Beau-Say Hobby. Can't you get me a lock of your sister's hair? Bobby-Say: But not just now. She's wearin' it.—Syracuse Telegram.

Bride-George, dear, when we reach our destination let us try to avoid giving the impression of being married. George—All right, Maid; you can carry this suit case.—New Yorker.

"It's all nonsense about a man's being able to make a name for himself. Only a woman can do that." "How do you make that out?" "I mean for a husband a man whose name she fancies."—Town & Country.

"Before I consent," said the fair, but firm, grass widow, "I wish it distinctly understood that I am to be the captain of this ship." "Well, all I ask is to be your second mate." replied the fascinated one, knowing he might as well get the best of it as last.—Cincinnati Commercial Tribune.

THE NEW RENAISSANCE. Duck. I knew him in his pecking youth. Before the change that brought the heart's ache. A plunger drew the wells of Truth, And sworn to follow Art for Art's sake. O' that that better class subscriber, O' that that premarital bithers! How could we then forecast the close Of a woman's Rosario Smithers?

A front like Phidias (ancient Greek), A mouth the very mate of Milton's, A Chantray's chin, a Wattson's cheek, A Winstanley's eye for arithmetics, Dowered with a baby's pithy, rich, rich As a king's mould about a jelly— He was he was he was he was he was Equivalent of Botticelli!

The Editor of "Prush and Phume," A man of sound commercial fiber, Thought Andrus's art might be a boom And catch the better class subscriber, But often, owing to the stream Of more immature, more immature, That graphic print would go to press Without his prancing nymphs and satyrs.

Then came the sudden Kodak phase. When Art was slaved for Actualities, The Lavinia Fyke and her footfalls, Stage Frights and semi-nude banalities; Back came the better class subscriber, Infringed with editorial structures; "These contributions now must cease; I desire further use of my pictures!"

The blow, although no blow was apilt, Could hardly fail to bring the withers Of one so delicately built, The Andrew, the Rosario Smithers; He bowed again by the crushing fate, Then rose again by nice gradations, And now he does the fashion plates. Published in "Woman's Transformation."

"It's true he owns a suspicious fat, But who's to blame for that? In sartre: I grant he's growing sleek and fat, And with the soap and vintage clorets; But none the less, when I recall My wretched hair, I'm sure he's taking, I recognize the moral fat. The great cancer ultimately blasted."