

THE OMAHA DAILY BEE.

E. ROSEWATER, EDITOR.

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STATEMENT OF CIRCULATION. State of Nebraska, Douglas County, ss. I, George B. Teschick, secretary of The Bee Publishing Company, being duly sworn, say that the actual number of full and complete copies of The Daily Morning Bee and Sunday Bee printed during the month of December, 1904, was as follows:

Table with 2 columns: Circulation type and Number of copies. Includes categories like 'Copies of this issue', 'Copies of other issues', and 'Total'.

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Subscribed in my presence and sworn to before me this 31st day of December, 1904. (Real) M. B. HUNGATE, Notary Public.

THE WATER BOARD QUIT WARRANTO.

The proceedings instituted before the state supreme court by Attorney General Prout to test the validity of the compulsory water works purchase act was made at the instance of the editor of The Bee, not because, as is claimed by the Omaha yellows, his candidate for the Water board was defeated at the last election, nor because, as Chairman Boyd of the Water board is quoted as saying, he seeks to interpose obstacles to the acquisition of the water works plant, nor because he has any grievance against members of the Water board.

It is a matter of record that The Bee opposed the enactment of the compulsory purchase bill when it was first introduced in the legislature and repeatedly pointed out the pernicious and unconstitutional features of that measure, while it was under consideration before the legislature. It is a matter of record also that The Bee denounced the compulsory purchase act as a high-handed attempt to deprive this community of its right to self-government and a scheme to unload the water works upon this city at an exorbitant price.

The groundwork for instituting the quo warranto proceedings was laid in the following editorials: (See Editorial, January 12, 1903.) Why should the power of the legislature be invoked to compel the city of Omaha to bond itself for the purchase of water works, unless the conditions of the purchase are satisfactory. The right of the city to assume the ownership of the water works is already expressly guaranteed by the charter, but the mode of acquiring the property is in the judgment of the municipal authorities.

There is no more reason why the municipal ownership should be made compulsory in the matter of the water works than in the matter of the gas works, electric light works, or for that matter, the street railway and telephones. There is no more reason why the city should be compelled to purchase the water works than there would be for him to appoint a commission to purchase parks, or a commission to manage an electric power plant, if a municipal franchise with respect to such a concern. On broad-gauge lines, the principle of municipal ownership of public utilities is sound, but the property owners and taxpayers of every community should have the right to decide for themselves how much they are willing to pay, and how much they do not want to pay, when they buy under what conditions they shall create a public debt in payment of existing public utility plants, owned by private corporations, or whether they shall build, own and operate their own water works, in case the price asked for a corporation-owned concern is excessive.

(See Editorial, January 15, 1904.) As the basic principle for the purchase under the proposed compulsory municipal ownership bill, its godfather assumes three things are essential. 1. The enforcement of the right to purchase the plant. 2. Keeping the enterprise out of politics. 3. That none but honest and competent men be appointed as appraisers.

This is about as practical as William J. Bryan's proposition that the standard dollar should have the same purchasing power at all times and under all circumstances. It is an old adage that you can't have it both ways, but you can't always make him drink. We have a right to acquire the water plant, but it is another matter to compel the community to exercise that right, whether the conditions are favorable or unfavorable to it. To keep the water works out of politics by conferring upon the governor the power to appoint the appraiser commission is to presume that governors have no political affiliations or political aspirations. Looking backward at gubernatorial appointments of police commissioners, normal school boards and boards of charities, we discover names of very prominent politicians, and we find ourselves face to face with some of the most rotten deals in politics that have ever disgraced Nebraska.

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SENATOR MITCHELL'S CAREER.

Was John Hippie in Pennsylvania Before Going West. Washington Correspondent New York Sun. John H. Mitchell, senior United States senator from Oregon, who was indicted at Portland for alleged violation of the law in accepting \$2000 for the use of his influence as a senator in furthering a fraudulent land scheme, is a veteran of many political battles. He has been charged by his political enemies with many crimes, more serious, if possible, than that for which he is under indictment, but he has always been victor under the tug of war game.

Senator Mitchell was born in Washington County, Pa. in 1833, and went to Oregon in 1850, after a few years' residence in California. He became more prominent gradually, and by 1865 came within one vote of being his party's choice for United States senator. He incurred the bitter hostility of William Lair Hill, a brilliant lawyer, who was then editor of the Portland Oregonian. Hill learned that Mitchell was living under an assumed name, and made a trip to Pennsylvania, where he traced Mitchell's antecedents.

It was discovered that Mitchell's real name was John Hippie, and that while very young he had married a poor girl, the daughter of a washerwoman, by whom he had several children. He left his family and disappeared, and in due time turned up on the Pacific coast. Mitchell's identity having been established, the Oregonian printed an exposure which caused a sensation in the state. For years afterward the Oregonian referred to him as "John Hippie Mitchell."

Mitchell did not deny the truthfulness of the story. Instead, he took the people of Oregon into his confidence, admitted that he had changed his name, and asked the people to judge him by his record as a man among them rather than by the errors of his youth. He took steps to have his new name legalized and made peace with his former wife by proper legal settlement.

The people of Oregon took Mitchell at his word, and the attacks upon him were unavailing. In 1871 he was elected to the United States senate and took his seat on March 4, 1872, the same day upon which William B. Allison entered upon his career in the senate. Allison has served continuously ever since, and now has the record of having served longer than any other man, living or dead. But Mitchell has been in and out several times, and every campaign, with few exceptions, has been a fight in which the far west.

Senator Mitchell married early in his Oregon career, before the exposure of his Pennsylvania experience. His second wife was a resident of Oregon, of beauty and good family. Several daughters and one son were born to them. The son, John H. Mitchell, Jr., is a prominent lawyer in Oregon. One daughter, Blanche Mitchell, a beauty and belle in Washington, in 1881 she married the Duke de la Rochefoucauld, and is living in Paris, where her mother is now visiting her.

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UNEARTHING REBATES.

A statement comes from Washington that certain members of the Interstate Commerce commission are incensed over what they term the "masterful inaction" of the Department of Justice. They say, according to the report, that the commission has during the last few years unearthed several flagrant cases of violations of the interstate commerce act and of the Elkins amendment regarding rebates, and have in each case reported the same to the attorney general with the recommendation to prosecute. Thus far no prosecutions have been begun against the offenders.

A member of the commission is quoted as saying that the rebates paid the beef packers was one which called loudly for action. This case was developed prior to the passage of the Elkins law and the evidence is said to have shown clearly that all of the railroads between Chicago and Kansas City were paying rebates on all shipments made by the packers. Other cases in which the payment of rebates was unearthed are noted, in all of which the evidence, it is stated, was sent to the Department of Justice, but as yet nothing has been done regarding them by that department. It is said this has been very disappointing to the commission and it will be equally so to the public if the facts are as represented. It is manifestly to little purpose that the commission unearths rebates and supports its findings with proper proofs if the evidence is to be pigeon-holed and no action taken to punish offenders.

The Elkins law is plain and explicit. It provides for punishing both the carrier that pays rebates and the shipper who receives them. The country applauded the declaration of President Roosevelt that in order to keep the highways of commerce open to all on equal terms it is necessary to put a complete stop to all rebates. But this will only be accomplished by a strict and vigorous enforcement of the law, a duty which rests with the Department of Justice. There is very general public confidence in Attorney General Moody, who is able and undoubtedly conscientious, yet this confidence may be impaired by a persistent disregard of matters vital to the interests and welfare of the public. We are not disposed to believe that he is doing this, but more activity on the part of his department would certainly be welcome and reassuring.

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THE PEOPLE MIGHTY STIRRED.

Grievances Against Railroads Four in One. Kansas City Star. Senator Cullom is quoted as saying that never before in his experience as United States senator, which covers more than twenty years, has there been such a flood of correspondence as has come to his desk and to the desks of other senators concerning the matter of railway rate control. Nearly all of this correspondence is from shippers who have been discriminated against by excessive rates on the one hand and rebates to their rivals on the other. Senator Cullom frankly acknowledges that he is not a lawyer, but he is thoroughly aroused by the proposal of the president to bring the railways to time, and that they are giving the chief executive their support in an unmistakable way. Mr. Cullom believes that congress, regardless of its own will in the matter, will be forced to do something of consequence in this direction. And this is only one of the increasing manifestations of popular spirit in dealing with congress. The people are becoming more and more convinced that they must assert themselves. They are to have their rights as against those special interests that have controlled so many members of congress. And to this end it may be expected that the people will soon demand the election of senators by popular vote. They are already in the habit of electing their own representatives to congress through the manipulation of state legislatures.

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(See Editorial, January 23, 1904.) Senator Howell has ventured to dispel some illusion as to his bill. He asserts that it does not compel the city to build a new water works plant if it fails to purchase the present one. This does not dispel the objection to the government-appointed water commission, accountable to nobody and removable by nobody, and the appointment of a salaried water commissioner, together with the commission, that will begin to drain the city treasury within thirty days after the bill becomes a law and will continue to draw salaries whether the city acquires the present water works plant or not. In other words, Mr. Howell fails to justify the attempt to deprive Omaha of the right of self-government, inherent to all American cities, nor does he dispel the illusion that the city is to be put in the hands of a receiver in creating a water commission, before we acquire the water works and in adding upon the taxpayers the expense of more tax eaters before the city has invested in water works.

(See Editorial, January 23, 1904.) The Omaha representatives of the water works company do not appear to be very much concerned about the compulsory purchase bill, and are not likely to show much interest in it. They have had their share of the water works in New York, and they are very much pleased with a compulsory purchase on the terms proposed by Mr. Howell.

(See Editorial, January 23, 1904.) "Senate File No. 1, the compulsory water works purchase bill, has been reroiled through the senate, without discussion, as an emergency measure. While strictly local in its scope and affecting only the taxpayers of Omaha and South Omaha, this bill violates the fundamental principles of self-government. It is, in fact, an indictment against the citizenship of the city of Omaha to publicly declare in favor of placing Omaha in the hands of a receiver, or appointing a guardian to protect it from itself."

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