

THE OMAHA DAILY BEE

FOUNDED BY EDWARD ROSEWATER.

VICTOR ROSEWATER, EDITOR.

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STATEMENT OF CIRCULATION: State of Nebraska, Douglas County, Neb. George B. Tschuck, treasurer of The Bee Publishing Company, being duly sworn, deposes and says that the following is a true and correct copy of the Daily Morning Evening and Sunday Bee printed during the month of August, 1906, as follows:

Table with 3 columns: Number, Circulation, and Total. Rows include various circulation figures for different days and totals.

Net total sales 994,458; Daily average 11,111. GEORGE B. TSCHUCK, Treasurer.

Subscribed in my presence and sworn to before me this 31st day of August, 1906. M. B. HUNGATE, Notary Public.

WHEN OUT OF TOWN: Subscribers leaving the city temporarily should have The Bee mailed to them. Address will be changed as often as requested.

As a last resort, Jack Frost may be depended upon to help bust the ice crust.

Perhaps the only way to stop revolutions in Cuba will be to create officers enough for all aspirants.

Omaha returns thanks to that Oklahoma judge who has decided that "roping" cattle is not brutal.

If Attorney General Hadley is not careful, Ohio will score ahead of Missouri in the fight on Standard Oil.

With the independence league talking of fusion it is easy to see that the new movement is little more than a jostle for office.

Harvard oarsmen are hailed as "real amateur sportsmen" in Great Britain, but it would have been different had they won the race.

The publication of the republican campaign book should increase the dollar contributions, as the volume is well worth the price.

Ambassador Leshman's hope to be received by the sultan this week must mean that taxes are being collected more easily than usual at Constantinople.

Since John D. Rockefeller is held for trial, H. Clay Pierce could do no more than return to the reservation, so his arrest at St. Louis should cause no surprise.

The assertion that fighting in Russia has become mere ruffianism can be accepted as true, with the understanding that there is method on the part of the ruffians.

General Torres says the Mexican government is not concerned with the agitation along the northern border. Evidently he had not heard of Diaz's appeal to Washington.

Colonel Bryan might try his powers upon the conversion of John Sharp Williams to the idea of government ownership of railroads before attempting to convert the majority of the voters.

A former leader of Indiana gold democrats declares the democratic party shouldn't waste any more time on W. J. Bryan, but perhaps he will later explain what he means by "waste."

The objection raised in technical journals to the uniform accounting system imposed upon railroads would indicate that, heretofore, less has been told by the books than could be read by the uninitiated.

Suppose the attorney general tells the governor that the South Omaha police board has the authority to revoke the liquor licenses for law violations without waiting for final conviction in the courts. Does any one imagine the board would revoke any license?

The World-Herald ridicules a suggestion of government owned roadbed and track free to any one to operate trains upon it and use any route desired. To most people, however, this suggestion is only a few degrees more ridiculous than the proposition to have the national government own the trunk lines, while state governments or private corporations own and operate the branches and connecting lines.

TRUSTEES RELATIONS.

The growth of trust relations in business explains the deepening public interest in the legal and moral duties of trustees, principally of course with reference to corporations. The representative fortunes in this country are no longer being made in the organization of industry as they were a few decades ago and as typified by Rockefeller in oil and Carnegie in steel, but by trustees who use other people's money and property, and it is through the opportunity of such trusts that the great fortunes of the present time are being so rapidly accumulated.

With the bulk of wealth actually trusted in one form or another and deposited with banking and trust companies or put in the hands of brokers and private bankers for investment, and with the stocks and bonds of incorporated companies affording almost the sole means for such investment, the temptations which the power of trustees creates are enormous, and the extent to which they have proved irresistible is alarming.

Precisely here is the root of the scandal in the management of the big life insurance companies, in the more recent Philadelphia trust company scandal and the manipulations of some of the great railroad companies, all of which are merely notable exposures of a widespread demoralization. It is indeed time for public conscience to awake when the handling of trusts has become the chief means for the selfish aggrandizement of the trustees and when it is recognized as the widest door in the whole world of business to fortune. For the essential duty of the trustee is to care as faithfully and honestly for the money of other people as he would for his own.

In point of fact, however, the compensation that is formally allowed to the trustee for his services is hardly considered as part of his real reward. The position of director of a great corporation, if it be not to serve as a mere dummy, becomes the highway to profit because of the advantage in speculation which inside information confers, because of the chance to manipulate dividends and all the relations of the corporation to other corporations, and because in general of the chance of the director's gain "on the side." It is identically the same prostitution in business against which the people are in revolt in the employment of political power. In the latter case the interests of all the people have been sacrificed to the selfish ends of trusted agents, while in the former the interests of classes, of hardly less importance as business is now organized, is ruthlessly though cunningly exploited.

It is inevitable that the revolt, which has become so conspicuous in our political affairs looking towards fair dealing and conscientious service on the part of trustees in public office should spread and include the like reform in the action of trustees in ordinary business affairs, and this is just what is meant by the multiplying signs of popular sensitiveness to business abuses which a few years ago passed unnoticed.

UNIFORMITY OF DIVORCE LAWS. There has been prepared for "the American Divorce Congress" a bill which, it is announced, "will be submitted to congress for passage, thus securing a universal law on divorce and annulment of marriage," but the authors neglect to point out under what provision of the national constitution such a law, even if its enactment were possible, would be valid. The view universally held heretofore is that there is no such provision, and congress has certainly never assumed power to enact such legislation outside of the District of Columbia and the territories.

Undoubtedly the lack of uniformity in state divorce laws, or rather their grotesque contrariness, is the root of manifold and grave evils. The divorce legislation and judicial practice in some of the states are simply scandalous, and there is a growing demand for reform. This fact, however, does not change the constitution of the United States and substantial betterment will be postponed if reform effort be addressed to the national congress. Constitutional amendment conferring the necessary power on congress is too long a road to travel.

Whatever is to be done must accordingly be accomplished through the legislatures of the several states. Uniformity is indeed a desideratum, but the prospect of securing it is not encouraging. The more pressing need in most of the states is rather correction of judicial practice, and until a foundation has so been laid progress towards uniformity is likely to be slow.

HIGH SCHOOL HOURS. The proposed change of high school hours, designed to make the sessions cover only half a day, leaving the entire afternoon free from recitation hours, is exciting no little discussion and arousing considerable opposition among the friends of the public schools in Omaha. What is to be gained by such an innovation beyond accommodating the teaching force, whose members would doubtless be glad to have their work so arranged as to leave them free after lunch, is difficult to see, nor is any change visible in existing conditions as compared with previous years that necessitates such a radical change.

To an unbiased observer it would seem that the tendency is altogether too pronounced toward running our high school along lines that may do very well for colleges and universities, but for which high school boys and girls are by no means fitted. Ordinarily it would be better for the mental and physical health of the pupils to spread the recitations and study hours

over the entire day, with plenty of time in between for lunch and rest. This, too, would surely facilitate the most economical use of the school room accommodations and library and laboratory apparatus rather than have them congested for a few hours and lying idle the rest of the time.

In all such matters as these the paramount and deciding consideration should be the efficiency of the instruction and the welfare of the students, and only secondarily the convenience of the teachers and janitors.

THE "UNWRITTEN LAW."

The codification of "the unwritten laws," which has been pretentiously accomplished by a New Orleans lawyer and published in book form, is likely to result in harm to the ignorant and vain, because the mere systematization and printing of such rules will naturally tend to create an impression of their validity. The practices thus formally collected and advertised as "laws" are too common without the encouragements which such a presentation imparts.

It cannot be too much insisted that these identical "unwritten laws" are not laws at all, but crimes. The only law of the land is the law written on the statute books, which makes it a high crime to kill, whether it is done by lynching or in the name of "honor." In fact every one of the acts embraced within this code is nothing more or less than a crime under the only law that exists by which all citizens are equally bound. And every representation or special pleading which tends to obscure this fundamental fact is inherently vicious and dangerous.

It is an inopportune time to magnify the pretended "unwritten law" now when the public mind is being stirred by the necessity of enforcing the law and when there is less excuse than ever for private assumption of the prerogatives of regular authority. The unwritten law is simply anarchy, and in its commonest forms the anarchy of savages.

The State university appropriation boomers are starting out a little early in the game in their quest for more money at the hands of the legislature. There is no desire anywhere we know of to cripple or embarrass this great educational institution, but neither is there any reason recognized why it should not be subject to the same rules of economy and moderation that are applied to all other branches of the state government. The university boomers are afflicted with the not uncommon habit of asking constantly for temporary concessions and then being not only unwilling to give them up in the slightest part, but even demanding more, without regard to the increasing weight of tax burdens.

Council Bluffs is wrestling with a proposition for a new street lighting contract, but inasmuch as both gas and electric light in Council Bluffs is controlled by one and the same corporation, our friends across the river will be spared a repetition of the controversy as it is put up on this side, where the two lighting corporations fight, not to see which can furnish the best service at lowest prices, but which can get the council to give it the big end of the lighting fund.

Mayor "Jim" and his democratic associates in the council now promise to give us dollar gas immediately, if not sooner. Considering the haste with which they have redeemed their promises for reduced telephone charges and universal telephone connections, our people need not expect the gas bills to be rendered at the dollar rate for a few months at least.

The local democratic organ is now doing its best to raise a row inside the organization of the republican state committee. From the very start the democrats have admitted that their only hope of picking up a few crumbs in Nebraska lies in precipitating dissensions among their republican opponents, and this is new evidence of it.

These September hot days are clinching the late corn in Nebraska and Iowa and making sure of the biggest crop in the history of this region. Full corn crops will mean full pocket-books for the farmer and indirectly for the merchant, the professional man and the wage earner.

It is already announced that the next Nebraska State fair will include a bench show. The surplus left by this year's phenomenal gate receipts evidently makes the managers feel like throwing money to the dogs.

Caught on Right Side. Philadelphian Ledger. Americans who planned a raid on Mexico may be grateful that their arrest took place this side of the line.

A Farewell Bouquet. Baltimore American. New York is prouder than ever. The mayor of Omaha says that the metropolis of the Empire State is the best town east of Omaha.

The Lie Indirect. Indianapolis News. Well, well, Mr. Sullivan! "A deliberate untruth or an equivocation of the kind that we expect from the shifty, word-juggling politician?" Why, that comes almost being the what'd'youcallit direct, doesn't it?

Name Fitted to the Issue. Boston Transcript. Thanks to Senator Daniel for naming Mr. Bryan's new issue. He has probably helped Mr. Bryan himself somewhat and the rest of us considerably by terming it "the pollution of the railroads." We rather thought a word would have to be coined to fully cover it.

Allowance for Exuberance. Baltimore News. In the computations now going on of the value of the immense western crops this season allowance should be made for damage done by pushing houses off their foundations and choking up roads by the ex-

uberant growth, and also for the expense the farmers are put to in building fire-proof barns in which to stack their money.

What the People Insist On. Kansas City Times. A square deal between the railroads and the people and honesty all down the line is what the people demand and what they intend to have.

Only One Good Right. Washington Star. Mr. Bryan says he would rather have the approval of his own conscience than of all the people in the United States. It will be a sad day when all the consciences save one go wrong.

Making the Money Fly. Washington Post. The fact that this country has spent \$60,000,000 for automobiles in the last few years is pointed out by the fact that we are going some, but it is still better evidence that we are making the money fly.

Upper Banks Overcrowded. Chicago Tribune. Major General Greely says there are so many generals in our army that it is hard to find work for them. Sounds like South America. Anyhow, what's the use of being a general if you have to work?

Cuba's Destiny. Portland Oregonian. Almost certainly it will become necessary for the United States to interpose in Cuba, to settle the difficulty between the rebels and the government. And this brings the prophecy in many quarters that the end will be the annexation of Cuba by the United States.

Irrigation and Home Making. St. Louis Globe-Democrat. President Roosevelt wrote to the irrigation convention: "The object of the reclamation act is not to make money, but to make homes. When once the farms have been broken up by the small farmer, the danger of the land monopoly will remain." It will be another triumph for the irrigation law if it heads off land monopolists.

Modesty of Cuban Knockers. Philadelphia Record. Modesty apparently is not a characteristic of the Cuban "insurrectos." If President Palma and all the chief officers of state, together with the members of congress and the provincial councils recently elected, will resign and if new elections "under circumstances" shall be ordered, the insurrectos will cease revolting. Why don't they propose that the government shall be turned over to them at once and be done with it?

PERSONAL NOTES. Mark Twain's announcement that Colonel Sellers was a real character, though interesting, is scarcely necessary. Almost everybody has known Colonel Sellers. There will be no Greek letter fraternities in the new Carnegie technological institute if it is not for the fact that the school funds will cease revolting. Why don't they propose that the government shall be turned over to them at once and be done with it?

Richard Pearson Hobson, formerly of the United States navy, and whose election as a democratic congressman from Alabama is assured, has been elected to have a place on the naval committee. The policy of the majority in the house, is against a large navy, while Mr. Hobson is an earnest advocate of increasing it.

Herman Oelrichs, the well known New Yorker who died at sea recently when coming home from Europe, was immensely popular with all classes and conditions of men. He was a big, big looking fellow, with clear eyes and a hearty laugh, and his prowess as an athlete made him the idol of the amateur sports. He was considered the best amateur heavy-weight boxer in America—a fine fighter, one of the great rowers of the country, a fast runner and a splendid horseman. One of his delights was cooking, in which he was an expert.

UNSETTLED BOYCOTT QUESTION. Another Judicial Deliverance on the Subject. Springfield Republican. Within three days after the decision of United States Circuit Judge Fowler in Wisconsin declaring a labor boycott of a Racine baker an unlawful conspiracy, an exactly contrary decision was given in another baker case by Justice Stafford of the supreme court of the District of Columbia. While in the Wisconsin case the boycotted baker sued for \$25,000 damages, the Wisconsin case was apparently identical. The square conflict of opinion between the two courts may seem singular, at first sight, yet the truth is that it merely exhibits the unsettled nature of the law regarding conspiracy in labor troubles.

It was recently shown in these columns that the death of Lord Justice Herschell the British judiciary took the view that a simple boycott of an employer's business by a labor organization constituted no unlawful act and no basis for a suit for damages. Later judicial decisions in Great Britain upheld Lord Herschell's rulings. At present, as is well known, the British government is pushing through Parliament an act that will place beyond possible dispute by the courts the legal position of the boycott as it was in Lord Herschell's time. That is to say, the British view has now reverted to the principle that what was lawful for one person was not unlawful when done by many persons in concert.

Judge Fowler of the United States circuit court in the Racine case has followed the reasoning that the sole test of the lawfulness of boycotting is whether it causes an injury to the employer's business, and from that argues: "An injury to one's business is on the same footing as an injury to his tangible property, and the law furnishes a remedy to the aid of wrongdoers." But Judge Stafford follows the view now embodied in the British government's trades disputes bill, which was also approved by the royal commission on trades disputes and labor combinations. That is to say, what was lawful for one person was not made unlawful when done by many persons in concert.

Will Be Misread by All. Blue Springs Sentinel. The death of Edward Rosewater takes from Nebraska and the west one of its strongest men. His influence was not confined to this country, but he was recognized everywhere as a man of strong intellect and endow with the courage to carry out his convictions. The Daily Bee, The Bee building and his home are monuments to his industry, which he has left in capable hands. We will all miss Edward Rosewater.

Last of Old School Editors. Falls City Journal. Mr. Rosewater was the last of the old school editors who used his newspaper to express his views upon great public questions. Governors, senators and presidents may be made by conditions and circumstances, but great editors, like poets, are born, not made.

One of Nation's Great Men. Tekamah Journal. The death of Edward Rosewater, editor of The Omaha Bee, last Friday morning removes from life activity Nebraska's greatest citizen and one of the nation's greatest newspaper men.

State Monks His Loss. Calloway Queen. In him the nation has lost one of its best men and the state of Nebraska will never be able to replace him. He was a tireless worker for anything that was good for Nebraska. Words fail to picture him as he was. Suffice to say that the state mourns the loss of its best and greatest friend.

ARMY GOSSIP IN WASHINGTON.

Current Events Gleaned from the Army and Navy Register.

The use of a military title as a "commercial asset" is looked upon with marked disfavor in the War department. General Bell, chief of staff of the army has expressed the official sentiment in this respect in his comment in submitting to the secretary of war the case of an officer of the army who was making use of his rank in the military service in connection with the promotion of a private mining venture. The chief of staff says: "Though a record for long and honorable service in the army carries with it a reputation for fair dealing, it is not calculated to augment the possessor's judgment of the value or reliability of commercial propositions. Furthermore, an officer's title is conferred upon him for use in the military service and he has no right to use it as a 'commercial asset.' It is considered that an officer of the army who uses his title to advance the interests of a commercial enterprise places himself in an attitude unfavorable to him as a soldier."

Announcement of a purely official character has not yet been made of the appointment of Brigadier General Jesse M. Lee to a major general and of Captain J. J. Pershing to be a brigadier general. The appointments will be made on the occasion of the retirement of Lieutenant General Corbin. The appointment of Captain Pershing has been pending for some time and is now to be made in fulfillment of the presidential promise made when Captain Pershing's gallantry in the Philippines—of no questionable sort—attracted the attention and gained the enthusiastic commendation of Mr. Roosevelt, who named Pershing in an annual message to congress as an example of individual military achievement. The appointment has been postponed from each recurring vacancy in the grade of brigadier general, but those who are familiar with the situation at the White House and the War department understand perfectly well that the appointment would be made on the first opportunity. President Roosevelt appreciates the fact that the incident will invite further criticisms of the administration, but the certainty of any such visitation does not scare him.

A Washington correspondent gives the following details regarding the playing of "Always in the Way" at a soldier's funeral in the Philippines. One stanza of a private soldier's "swearing poem" has been printed in the United States Army magazine. William L. Lawrence, a private of the United States marine corps, while in the performance of his duties was drowned at the marine station of Olongapo. At the funeral his commanding officer, Captain H. E. Barron, ordered that music be played as a funeral march the popular ragtime air, "Always in the Way." The order almost caused a mutiny before the band had finished the piece, which was played against the protest of the band leader. A few days later the Cable News, a Manila daily, published some verses written by Private A. L. Price of the hospital corps, of which the following is the opening stanza:

We don't object to hikin' a-though a hundred miles of mud, We don't object to chargin' up a mountain on the run, We don't object to livin' on a soldier's rations straight, We don't object to dyin', but to reach the ragtime funeral marches when the land is made to play— It does seem to hikin' a-though a hundred miles of mud, We don't object to hikin' a-though a hundred miles of mud, We don't object to chargin' up a mountain on the run, We don't object to livin' on a soldier's rations straight, We don't object to dyin', but to reach the ragtime funeral marches when the land is made to play— It does seem to hikin' a-though a hundred miles of mud, We don't object to hikin' a-though a hundred miles of mud, We don't object to chargin' up a mountain on the run, We don't object to livin' on a soldier's rations straight, We don't object to dyin', but to reach the ragtime funeral marches when the land is made to play— It does seem to hikin' a-though a hundred miles of mud, We don't object to 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