

THE OMAHA DAILY BEE

FOUNDED BY EDWARD ROSEWATER

VICTOR ROSEWATER, EDITOR.

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GEORGE B. TSCHUCK, Treasurer. Subscribed in my presence and sworn to before me this 3d day of February, 1909. (Seal) M. P. WALKER, 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.

Et tu, "Colonel" Fanning! Are you one of the Commercial club's 1,000? If not, why not?

It is not too early to do your valentine shopping early.

Mayor Jim knew that Senator Howell was no gentleman all the time.

The Standard Oil has promised to be good in Missouri. Why not elsewhere?

It seems that Omaha's democratic councilmen have burnt their bridges behind them.

It is much easier to elect a councilman-at-large than it is to elect a large councilman.

Those wrestling matches may not be particularly elevating, but they raise the coin for the box office.

This is about the time of the year for the authors of New Year resolutions to revise their proofts.

A Chicago man who wandered away with \$10,000 has been found in New York. Yes, he was penniless.

Congressman Hobson must feel that he made a mistake by selecting Alabama instead of Nevada as his home.

Measured by the space accorded by the local democratic organ, the Dahlman Democracy is worth mentioning.

Judge Albert may be cited for unprofessional conduct in cutting prices for cutting out a deposit guaranty law.

The Rough Riders are quarreling about where they shall hold their reunion this year. Why not compromise on Africa?

Politics makes strange bedfellows and strange bed clothes, too. Judging from the bills being passed in some of the state legislatures.

After careful nursing by a lobby of trained nurses at Lincoln the nursing bill has been gotten in a fair way to survive the legislative croup.

A consular report deals at length with new methods of preserving eggs. The only flaw in the plan is that it does not tell how to get the eggs.

Congress has passed a law prohibiting the importation of opium. Congress apparently feels fully competent to supply its own brand of dope.

"War is knocking at our doors," says Congressman Hobson. Let it knock, as the butler has instructions to announce that we are not at home to war.

A bill has been introduced in congress for a bureau of criminal research at Washington. Thought that work was in charge of the secret service bureau.

Robbers made a rich haul by entering a gambling house at Goldfield and taking everything in sight. They adopted the only sure plan of beating the faro bank.

The wicked republican minority in the legislature is now being accused of riling the water to prevent the democratic majority from making a record for economical appropriations. Who's running this Nebraska legislature, anyhow?

A VICTORY FOR MR. TAFT.

The agreement of the ways and means committee to include a clause in the tariff bill to be submitted at the coming session, for free admission of 300,000 tons annually of sugar from the Philippine islands must be accepted as a victory for Mr. Taft and an acknowledgment of his influence with the congress. Mr. Taft has been working for years for some concession of this kind, in keeping with the assurance he held out to the Filipinos when he was their governor, and his efforts now promise to bear fruit.

The concession will amount to practical reciprocity with the Philippines so far as sugar is concerned, for it will be many years before the imports of sugar from the islands will reach the limit prescribed by the bill. The importations from the Philippines in 1907 amounted to only 10,700 tons and Mr. Taft predicts that the 300,000-ton limit will not be reached in a generation, even with the most rapid development of the industry in the Philippines. The protest of the domestic producers of sugar against this concession in favor of the Philippines appears almost ludicrous in the light of statistics, showing that this nation in 1907 consumed 2,937,979 tons of sugar, of which only 656,627 tons were of domestic production. The American market is large enough to absorb all the Philippine surplus without disturbing domestic producers in the least.

TESTIMONY BY TELEPHONE. The supreme court of New York state has just rendered a decision that may constitute a far-reaching precedent in all states where proof of a telephone conversation is offered in the trial of a cause. In the New York case, a wife, acting for her husband, gave certain orders to his brokers. The defendants sought to offer the testimony of a witness who had listened to the telephone conversation over an extension wire. This evidence was excluded in the lower court as was all proof tending to corroborate the conversation because the witness had heard the conversation on another instrument and in another room than that occupied by the representatives of the brokers. The supreme court has overruled the decision of the lower court and decided that a conversation overheard between two parties whose voices are recognizable may be established as evidence in an action and that the recognition of voices over a telephone is just as good as conversation between parties who are face to face, so long as the hearer recognizes the voices and can make oath to the fact.

If the higher courts sustain this decision, there is apparently no limit to the use of the telephone in litigation. The judge rendering the decision stated that the defendants could have proved, had their testimony been admitted, that the proposed witness had been so placed as to be able to hear everything that passed over the telephone wire; and, if so, his testimony should have been admitted as competent and relevant to the issue. The general acceptance by the courts of this rule may make the telephone a valuable factor in assailing or defending the rights of future litigants. Particularly cautious persons will be disposed to add to the old "don't write" admonition the further warning, "or telephone."

CAPTAIN QUALTROUGH'S JAG.

The landlubber's sympathy, solicited or volunteered, will rest with Captain Edward F. Qualtrough of the battleship Georgia, just found guilty by court-martial of being intoxicated while on duty and suspended for six months with a loss of ten numbers in rank. Cable tolls come high and the details of Captain Qualtrough's acquisition of a package are lacking, but the meager information at hand indicates that in the course of the festivities at Gibraltar he looked too frequently on the cup that cheers and not accordingly pay the penalty.

A more calm and sober estimate of Captain Qualtrough's offense might be formed if all the details were known. It may be admitted the dignity of the American navy must be maintained, particularly while the fleet is in foreign parts, and if the doughy captain got one of those fighting jags aboard and boasted his ability to whip his weight in wildcats, his punishment may not be too severe. If, on the other hand, he had only a mild "hands-across-the-sea" load, which made him want to embrace all men as brothers, mitigating circumstances should weigh in his behalf. It should be remembered that he has been away from home for a year and a half, that he has scouted the rim of the South American continent, exchanged greetings with the Latin-American moguls and moglettes, kotowed to Patagonian esquires and dames, flirted with the señoritas of Mexico, traded jokes and news with the Australasians, rolled cigarettes with the Filipinos, drank tea and sake with the mikado's subjects in Tokio, been viewed and reviewed by the funny sunny folks of the Mediterranean, pulled starving refugees from the ruins at Messina and finally landed at Gibraltar, where he again heard the English language that made him think of home, family, friends, house rent and the monthly visit from the installment store collectors. Then came the let-down and the fill-up. If a jag were ever excusable, that must have been the time for the captain to get one and find joy in it.

Then again the records fail to show any precedent for the finding against Captain Qualtrough. No iron-clad rule has been fixed for throat-quenching in the navy department. The records, running back for 300 years, show that an army officer is not expected to be

sober after 3 o'clock in the afternoon and that courts-martial are always adjourned at 3 p. m. on that account. If there is no time limit on jags in the navy there should be, or the administration is open to the charge of favoritism between branches of the service. Even if the navy has a time limit on the pickling process, Captain Qualtrough may show that after a tour of the globe, he thought he was getting lit up on Wednesday afternoon when it was really Friday morning. Everything considered, it may be as well to suspend harsh judgment until the full returns are in and the attorneys for the defense have had time to ask for a retrial on the score of newly discovered evidence.

IF THEY WON'T TRUST ONE ANOTHER

The hiring of a special attorney to be paid out of the state treasury to draft the deposit guaranty bill which the democratic legislature proposes to put on the statute books of Nebraska is more significant as a confession of incapacity on the part of our democratic law-makers than as a raid on the treasury. The stipulated fee to be paid for legal services is too small to consider—in fact, hardly adequate to command the services of a lawyer accustomed to getting big money—and the particular lawyer employed will, doubtless, bring as good legal talent to the task as could be gotten for the price.

But why should the taxpayers of the state have to pay for a specially employed lawyer to draft legislative bills? The state has a salaried attorney general, with two competent assistants, whose time and legal learning are constantly available for all proper purposes. Outside of this the democratic majority ought to be able to enlist the help of two distinguished democratic jurists, who are supposed to be drawing pay as judges of the supreme court, under commissions given them by Governor Shallenberger, but for the time being have nothing to do in their official capacities. Why should not Judge Sullivan or Judge Oldham, or both, have volunteered their services to help the democratic law-makers out of a hole?

But, ordinarily, every legislative body counts among its own membership lawyers of sufficient ability to do bill drafting work. It happens that the well-wether of the upper house of the legislature is a lawyer whose services are constantly in large demand by the great favor-seeking corporations, who pay him well, but who would not pay him at all if he were not a lawyer of more than average caliber. Why do not the democrats in the legislature commit the drafting of the deposit guaranty bill to Frank Ransom? Surely not because of lack of legal attainments. Can it be that they would not trust him to draw a bill free from carefully concealed blow-holes in the armor?

If the democratic majority have none among them at once fit and trustworthy to draw the deposit guaranty bill, what may be expected of the other legislation which will be concocted at Lincoln before adjournment?

LOST—A POLITICAL BAROMETR.

The committees of the Maine legislature have approved the recommendation of the governor that the September election of state officers be abolished and that the state and congressional elections be held in November, on the same date as the national elections. The bill pending to that effect will probably become a law, thus depriving political seers of another straw for forecasting the national verdict.

"As goes Maine so goes the nation" has been a political prophecy for many years and about the only result of the saw has been to have both of the great political parties become particularly active in that state in the September elections. The original purpose of the law was to keep the state and national elections separate on the theory that separate elections would promote independence among the voters. Results have not vindicated this contention and the Maine folks are about convinced that a double election means only double expense, as the voters of the state have learned to discriminate in their selection of state officials without the device of separate elections. Maine, Vermont and Oregon are the only states that have their state and congressional elections apart from the presidential elections. Ohio and Indiana abandoned their October elections years ago from motives of economy and Maine is now about to follow suit. This will leave Vermont and Oregon as the off-month election states, but as their politics are pretty well fixed, their September elections can hardly hold the old place of national importance.

The legislature of Panama and the senators of Mexico, traded jokes and news with the Australasians, rolled cigarettes with the Filipinos, drank tea and sake with the mikado's subjects in Tokio, been viewed and reviewed by the funny sunny folks of the Mediterranean, pulled starving refugees from the ruins at Messina and finally landed at Gibraltar, where he again heard the English language that made him think of home, family, friends, house rent and the monthly visit from the installment store collectors. Then came the let-down and the fill-up. If a jag were ever excusable, that must have been the time for the captain to get one and find joy in it.

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ROUND ABOUT NEW YORK.

Ripples on the Current of Life in the Metropolis. In refusing a rehearing in the New York Gas trust case the federal supreme court jarred loose the last grip the combine had on a juicy pot of \$12,000,000, representing the difference between 30-cent and 51-cent rate paid by consumers since the case reached the courts. Some time this week, the local federal court, which controls the pot, will begin refunding the money to holders of charge receipts. There are 800,000 receipts of the gas company. In the vault of the court commissioners are 35,000,000 duplicate gas receipts, and in another vault are books containing records of the receipts. Should a consumer feel that he is being underpaid by the company Commissioner Shields will compare the amount he got with the record of the receipts and the duplicate receipts and so settle the matter. The company's auditors will report nightly to the commissioner, and when the payments are all made the commissioner will give the company a check for the amount disbursed.

Nobody, not even the commissioner of the lawyers, has been able to arrive at any estimate whatsoever of the time this thing is going to take. There are 800,000 persons with legal claims to a share of the money. Some have kept their receipts and some haven't. Many thousands have been using slot machines, and they represent the shifting crowd of gas users, whose cases will be the most troublesome of all.

The cashier in the men's cafe of the Hotel Plaza had a fuss late one afternoon last week with a man who, in an effort to get change for one of many \$100 bills he carried around in his pockets, had imbibed a dozen or more highballs and was, in consequence, as the cashier expressed it, "some peevish."

The visitor to the cafe was Edward P. Clayton, who said he had come to New York from Richmond, Va., to attend the dinner in memory of General Robert E. Lee at the Waldorf-Astoria, and realizing that he would be in need of "ample funds" while here, he had drawn a large sum from his bank before leaving Richmond. After seating himself at a table in the cafe and ordering a highball, which he drank, he tendered the bill to the waiter. The waiter took the money to the cashier, but was told to ask the guest if he had no small bill. At this the visitor drew a roll of bills from his pockets and said: "There is \$30,000 in this roll, and the smallest bill in it is the one I gave you and I want it changed. I have been to a dozen places in the neighborhood, ordered a highball at each one, but none of the bartenders could change this bill. They all told me to step around tomorrow and pay the check. I suppose the only way I can get it changed is to sit around here and drink \$1,000 worth of highballs."

With this, the cashier said, Mr. Clayton took the bill from the waiter and started to leave the cafe. The cashier halted him, however, sent the bill to the office and gave Mr. Clayton his change, \$698.75 in notes of a very small denomination.

"I would have changed that bill if I had had time to go to the treasury," said the cashier. In the midst of the "passionate storm and stream" of his rendition of one of Beethoven's sonatas Tuesday afternoon at Carnegie hall Ignace Paderewski suffered a serious accident which, it developed later, was to rob Philadelphia folks of their eagerly anticipated opportunity to see and hear the great Polish pianist.

To an ordinary man the accident—which was nothing more or less than the splitting, to a slight extent, of the nail on the first finger of the right hand—would have scarcely a passing thought. But to Paderewski, every movement of whose fingers is safeguarded by a large amount of money, a mishap had a serious financial aspect. Scarcely was the concert over when Paderewski's agents were telegraphing to Philadelphia cancelling the recital there, and a skilled surgeon was hurrying in an auto with all possible dispatch to anoint and rub and patch and pare and bandage that precious forefinger.

In 1906 Paderewski collected \$7,000 insurance for a job he had gotten in a railroad accident near Syracuse, N. Y. He carries an accident policy of \$5,000 on each of his fingers. And thumbs.

A number of young people living in the upper north side of New York City recently organized a social club. The first regular meeting of this is scheduled for the evening of February 12. One of the young women, immediately after the committee's petition among the charter members asking that the date of the initial meeting be changed, because thirteen was an unlucky number. In reply the chairman wrote that she would oppose any change, because "Americans should have no fear of the alleged unlucky number. Let others indulge in this antique superstition, while we remember that there are thirteen stripes in our flag, commemorating the original colonies, which could easily have been changed to twelve or fourteen if our forefathers had feared the hoodoo. There are innumerable reasons for disregarding the thirteen superstition, but for Americans the flag should be sufficient."

Bleached Flour Outlawed. The Secretary of Agriculture has condemned bleached flour, and following his suggestion the millers' combination has announced its purpose of discontinuing the further milling of this article. It would doubtless be a good thing should the public consent to acquiesce in the yellow loaf instead of the white one. Possibly it will require a new adjustment of appetite, but the gains will more than compensate for the sacrifices. In the old days when even New Englanders raised their own wheat there was one product of the grain called "casaline," which in spite of its contemptuous title made the sweetest and most nutritious bread that came upon the farmer's table. If the millers can again exalt this humble staple, future generations of healthy Americans will rise up and call them blessed.

Won't Take the Money. President Roosevelt has declined to accept a bequest of \$10,000, without explaining why. His refusal, however, does not leave much to the imagination. As he did nothing to earn the money, he will not take it. The legacy should have gone elsewhere to be sure of acceptance. It would have had a cordial reception in Nebraska. Bryan did nothing to earn the \$50,000 Philo S. Bennett wanted him to have, but he fought for it in court, none the less.

Hook Cuts and Pink Teas. Baltimore American. The secretary of war has declared that army automobiles must no more be used for pink teas. Why there should be any connection between the two may seem a puzzle to the rest of the country, but the reason is clear. The answer has been guessed in Washington.

OMAHA IN THE EXCHANGES.

Stromberg News: Now that the supreme court judges are appointed to suit everybody, we hope Senator Ransom, the howling dervish from Omaha, will find something worthy to train his guns on—something of real benefit to the people of the state.

York Times: Senator Howell, of Omaha, seems to be tired of Max and will try and doze off in Krug park on Sundays and holidays. If Krug park, why not all parks, and if all parks why not all saloons? Do those who go to Krug park think they can leave Sunday outside the gate?

Howells Journal (dem.): The respectable element of the Omaha democracy have grown tired of Max and will try and doze off in Krug park on Sundays and holidays. If Krug park, why not all parks, and if all parks why not all saloons? Do those who go to Krug park think they can leave Sunday outside the gate?

Bloomington Advocate: Senator Ransom, the corporation attorney from Omaha, seems to be tired of Max and will try and doze off in Krug park on Sundays and holidays. If Krug park, why not all parks, and if all parks why not all saloons? Do those who go to Krug park think they can leave Sunday outside the gate?

Columbus Tribune: The argument made by the Omaha World-Herald in favor of repealing the Nebraska Sunday law, which the democratic legislature is trying to accomplish, is about as foolish as one could make and could be expected only from a paper which has no scruples as to the policy it uses, so long as the policy is in harmony with its political party.

Kearney Hub: The greatest need in the way of state legislation is a law making it capital offense to steal anything from a member of the legislature. The occasion arises in the theft of grips of members from a hotel in Omaha, while there to inspect a state institution. Some of the members lost apparel of more or less value, but the greatest loss appears to have been in postage stamps which the members had drawn as perquisites from the state. No effort should be spared to apprehend the criminals and when run to earth they should be severely dealt with.

Central City Republican: How papers like the Omaha World-Herald can pretend to be honestly for reform and good government and still throw all their strength toward assisting the corporations and grafters to run the country in their attempt to discredit and misrepresent the present is hard to reconcile. It seems that democratic papers are unwilling that any good at all be accomplished if it is to be accomplished by republicans, which is certainly a most deplorable state. It is to be hoped that republican papers are not possessed of the same spirit. The democrats are now in undisputed control in Nebraska, and if, contrary to present indications, they are guilty of any good measures, it is to be hoped that republican papers will give them full credit and rejoice in what they have done for the commonwealth.

Disability of a Trust. Slightly Disfigured, but Still a Mighty Strong Ring. New York Tribune. "Sinners stand in slippery places," and so do the "trusts." At least, that is the conclusion from the decision of the United States supreme court in the Continental Wall Paper company case, handed down. The wall paper company sued to collect a bill of \$50,000 from one of its customers. The delinquent customer replied that the company could not collect the money because it was a monopoly, and therefore illegal. The wall paper company admitted that it was a monopoly, controlling 88 per cent of the domestic output of wall paper, but it wanted its money just the same. And the court held, five to four, that, being an illegal combination, it could not use the courts to collect its debts. The court, "in accordance with a rule long established in jurisprudence," would not "lend its aid in any way to enforce or to realize the fruits of an agreement which appears to be tainted with illegality," thus seeming to put debts due a "trust" into the same class with gambling debts, which cannot be collected in a suit at law.

And this collection suggests the reflection that the fact that a bet is not collected by a legal action has never interfered seriously with betting or with the collecting of bets. It is a matter of "honor" to pay a bet. So the new decision may not seriously interfere with "trusts" and combinations in the collection of their debts. It may never become a matter of honor to pay such a debt, but if the combination to which the debt is owed has a practical monopoly of the source of supply of a given article its retail customers will probably not avail themselves of this legal way of escaping its claims, for that reason if for no other. The decision adds fresh evidence of the precarious position in law of a combination in restraint of trade, but it is premature to conclude that it will play havoc among the "trusts."

SERVED HIM RIGHT. J. M. Lewis in Houston Post. Once on a time there was a man whose name was small. He never had a little boy. Or a little girl at all. He never had a little girl. Nor put on skates at all. His boys sometimes did those things, but he looked severe when they did. He looked severe and straight and tall. And never, never played. At pillow fight, his little boys were quite afraid. To make the heaviest bit of noise. When they were up to him. And when they asked him anything. He whipped them hard for that. They dared not go to learn to swim. They dared not climb a tree. They dared not ever go to field. And were scared as could be. And cried whenever their pants were tore, they never had a toy. As to what they could do to please. Their dad, he was so cross. He must have been born grown up. I know he must have been. Because when his school picnic was. He kept his children in. They never had a spinning top. Oh, I am very certain sure. He never was a boy. One time he had to go across. The ocean deep and wide. And took his family along. Off to the other side. For fear if he, did not, they would include his little boys. And suddenly remember they. Were little girls and boys. And he fell right plum off the ship. Into the ocean deep. And though his boys all saw him fall. And wished an awful heap. To help their dad, he sunk and drowned. They never had a toy. They could not save him, he had never. Let them learn to swim.

J.L. Brandeis & Sons Bankers. DEPOSITS OVER \$1,000,000.00. 4 PER CENT INTEREST PAID ON CERTIFICATES and SAVINGS ACCOUNTS.

PERSONAL NOTES.

Spokane, Wash., has thirty millionaires honest enough to tell the assessor of it, thus beating New York by about twenty-two. Daniel F. Bradley, 90 years old, the other day left Charles Street jail in Boston, where he had served as keeper and performed other duties for more than half a century. For twenty-five years he was deputy sheriff, and for fifty-four years he had charge of prisoners at the jail.

Captain William C. Geoghean of the steamer Anne Arundel has just been presented with a medal of honor awarded him by the Treasury department. It is in recognition of his heroic rescue of Midshipman White River with the aid of \$10,000 a week, commencing the first day of May next. The show would be called "The Theodore Roosevelt Congress of Rough Riders." Samuel Sallee, a Bell township farmer, Kansas, who died last week, was the father of six living children and 108 living grandchildren. In all he was the father of 108 children, four of them now being dead. Of the grandchildren, forty-five are of the third generation, sixty-one are great-grandchildren and three are great-great-grandchildren.

Captain Pettis, who achieved fame with Kit Carson and served in the Apache and White River wars with the Indians, died recently in Providence, R. I. He was breveted captain of United States volunteers four days before he was 30 years old. He was in the engagement at the Adobe Walls, Tex., with the Comanches and Kiowa Indians, November 18, 1874, and commanded a battery of mountain howitzers. He was five years and four months in continuous service during the period of his life "at play."

BRIGHT AND BREEZY. All jokesters are true A-merry-dance-Charleston News and Courier. "You hire a man to watch your premises for a dollar a night do you?" "Yes, and he's a pretty good dollar watch, too, if anybody should ask you," Chicago Tribune.

Casey—Sure, Flannigan, did ye see where the felly in the legislature out in San Francisco said he wouldn't have the Japs, but the Irish was all right? Flannigan—Did he say that Casey? Casey—Sure, and he said, "we'll stand fast."—Baltimore American.

"Jinx wife, I understand, has brought suit for divorce, and is now loading mighty glum this morning when I met him." "Yes, she has withdrawn her suit."—Houston Post.

"What's become of your dog? I haven't seen him for a long time." "You notice what a cold I've got?" "Yes, sir." "Well, a lot of people told me things to do for my cold, and I was wise enough to try 'em on him first."—Cleveland Leader.

Upwardson—How did Smalley's brass-band promise suit against that rich widow come out? Atom—They laughed him out of court.—Chicago Tribune.

"There is comparatively little real whiskey," said the best expert. "Yes," answered Colonel Stillwell, "when I lived in a prohibition community, years ago, I never had time to find how many things that tasted like whiskey were sold as something else."—Washington Star.

"I asked for fried eggs and you have brought them scrambled," said the diner. "Yes, sir." "Well, a lot of people told me things to do for my cold, and I was wise enough to try 'em on him first."—Cleveland Leader.

The chief of police frowned darkly. "Have you done everything a real sleuth would have done in this case?" he asked. "Sure," replied his assistants, "we've given the man the slip, and he's now many things that tasted like whiskey were sold as something else."—Washington Star.

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