

THE OMAHA DAILY BEE.

E. ROSEWATER, Editor.

PUBLISHED EVERY MORNING.

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IN FAVOR OF FOREIGN SHIPPERS.

The decision of the United States supreme court in the import rate case will probably lead to an amendment of the interstate commerce law for the removal of the discrimination in favor of foreign shippers which the decision upholds. The Interstate Commerce commission had made a ruling denying the right of railroad companies to discriminate in favor of foreign shippers, and this was sustained by the federal circuit court of appeals, which held that it was illegal to charge less for transportation on imported than on domestic goods.

The railroad company in the case admitted that the discrimination was practiced and defended the practice on the ground that through shipments from a foreign country to the interior of the United States differed in circumstances and conditions from shipments originating at the American seaboard bound for the same interior points.

The supreme court decided—the chief justice and two of the justices dissenting—that the commission erred in its construction of the law and the decision of the lower court was reversed. It was held that in passing the act to regulate interstate commerce it was not the intention of congress "to interfere with and interrupt, much less destroy, sources of trade and commerce already existing, nor to overlook the property rights of those who had invested money in the railroads of the country, nor to disregard the interests of consumers."

It is the duty of the commission to consider "not only the wishes of the shippers of the large cities, but also the desire and advantages of the carriers in securing special forms of traffic and the interest of the public." The efforts of the commission, says the decision, to deprive the inland carriers of the advantages of through rates and thus to give an advantage to the traders and manufacturers of the large seaboard cities, seems to create the very mischief which it was one of the objects of the act to remedy.

In a dissenting opinion Justice Harlan contended that congress did not intend that the rates to be charged by our carriers on freight shipped from a foreign country on a through bill of lading to some place in the United States should depend upon rates established abroad from ocean transportation. Referring to the difference in the charges in favor of foreign goods, Justice Harlan said that "if such discrimination against American goods by American railroads, acting with foreign companies, is consistent with the act of congress, then the title of the act should have been to regulate commerce for the benefit of foreign manufacturers and dealers, to the injury of American industries."

We have no doubt that intelligent public judgment will concur in the opinion of Justice Harlan that the interpretation given the law in the decision of the court places it in the power of the railroads to do a gross injustice, by enabling them to place American industries at the mercy of foreign capital and foreign combinations.

Senator Cullom has announced that he will introduce an amendment to the interstate commerce law so as to prevent the transportation of foreign goods at cheaper rates than those of domestic manufacture, and there ought to be no doubt of the prompt adoption by congress of such an amendment. What ever may be thought of the logical soundness of the supreme court decision, it may be confidently said that public sentiment will not tolerate the discrimination it upholds.

An EFFECTIVE PROTEST. Mr. Riddle, the United States charge d'affaires at Constantinople in the absence of Minister Terrell, has by a single act achieved diplomatic distinction and established a claim to the hearty respect of his countrymen. He not only protested against the order of the Turkish government for the expulsion of American missionaries, but he notified the government that unless the orders were recalled diplomatic relations with the porte would be severed.

This brought a prompt response and the American missionaries will not be interfered with. It is reported that there was great surprise at the prompt manner in which the order of expulsion was snuffed out and it certainly was a most unusual course for the Turkish government. Probably the diplomatic representative of no other nation at Constantinople would have had a similar demand so promptly complied with and the inference is that Turkey is particularly solicitous to maintain the most friendly relations with the United States. Indeed, that government has manifested such a feeling throughout the Armenian crisis. Still it is by no means improbable that but for the firm and aggressive course of Mr. Riddle the American missionaries would have been expelled and, therefore, he deserves the highest commendation for his action.

The American will also give full credit to the British ambassador for the service he rendered our representative. The incident seems to have made quite an impression in Europe.

MAKING A SPECTACLE OF ITSELF. The passage of the curfew ordinance over the veto of Mayor Branch reflects very little credit upon the council. The ordinance will be a dead letter from the outset. Every law on the statute books that is not enforceable tends to weaken public regard for law and public respect for lawmakers. We already have too many laws and ordinances that no executive pretends to enforce or is expected to enforce. The no-treat law, for example, has been on the statute books of Nebraska for fifteen years. During that period it has been violated millions of times and yet no one has ever been convicted under it.

The vagrancy laws which make it a penal offense to any one to solicit alms and refuse work are in the same category. And we might cite scores of laws and ordinances that merely encumber the statute books and encourage law defiance.

The enactment of the curfew ordinance has already given Omaha unenviable notoriety. The North American, one of the leading dailies of Philadelphia, the other day indulged in the following caustic editorial comment under the caption, "Fun in Omaha."

In the contest for assuaging the councils of Omaha, Neb., will receive the cake, hands down. In a fit of overpowering morality these councils recently passed a curfew ordinance, which was to drive all children off the streets at a certain hour under penalty of some dire puritanical punishment. This showed little faith in the ability of Omaha parents to take care of their own children, but the worst is yet to come. Another curfew ordinance has now been introduced which will take in the married men of the town, and folks say it has a splendid chance of passage. We don't doubt it. These councils are evidently in politics for the fun of the thing, and this is one of their jokes, ha, ha, ha! They are real funny, almost as funny as our own councils. But since they have gone this far they may as well pass a resolution turning Omaha town hall into a state lunatic asylum and then turning the keys over to the janitor, with the request that he lock them in for safe-keeping. After this the people of Omaha might elect a council that will do what it is selected for.

While the threatened introduction of an amendment making the ordinance apply to married men has not yet materialized, it is likely to materialize, the people of the east, after hearing of the present curfew performance, believe the Omaha council to be capable of anything in this direction. Newspapers all over the country are poking fun at Omaha and holding it up as a border village where the fool killer is in great demand. Is it not about time to stop this nonsense?

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The sugar producers are asking relief. The appeal to congress of American sugar producers for a sliding scale duty on sugar from countries that pay an export bounty ought to receive prompt consideration, as what they ask is clearly necessary to protect them from a most damaging competition. It appears that Germany has increased the bounty on sugar exported from that country, so that in effect the duty imposed on the shipper to this country is only 20 per cent, or less than the amount specified in the tariff. The German sugar producers are thus enabled to more advantageously compete with the American producers.

What the latter ask is that congress shall pass a bill which will be a sort of sliding scale, that is, for every raise in the bounties paid sugar-growers abroad there will be a corresponding raise in the United States import duty.

We have, perhaps, no fair reason to find fault with the policy of the German government in this matter. It has an unquestionable right to favor the sugar-producing interest of that country in whatever way it shall think best. It may, in order to secure a larger share of the American market for German sugar, pay an export bounty that would fully reimburse the German producers for the American duty. But our government should not permit our producers to be subjected to a destructive competition if a practicable way can be found to protect them against it, even though it be retaliatory in its nature. The sugar-producing interest of the United States is of sufficient importance to command the fostering care of the government. It has been demonstrated that with proper encouragement, such a European government has extended to their sugar-interest, it will become in time one of the most valuable industries of the country. It is now confronted by a danger that may be serious and congress should give heed to the appeal for protection from the representatives of that interest and adopt a plan that will be satisfactory to them.

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