

THE OMAHA DAILY BEE

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MARCH CIRCULATION. 51,641. State of Nebraska, County of Douglas, ss. Dwight Williams, circulation manager of The Bee Publishing Company, being duly sworn, says that average daily circulation for the month of March, 1914, was 51,641.

DWIGHT WILLIAMS, Circulation Manager. Subscribed in my presence and sworn to before me this 1st day of April, 1914. ROBERT HUNTER, Notary Public.

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

If this keeps up, those war-thirsty Texas rangers will have to be lassoed and tied down.

The prospect of a fight induces a peculiarly enthusiastic thrill when it is a cinch your side will win.

Federal court indictments are not so easy to get away from on technicalities even by indicted lawyers.

Senator Bristow declines to salute the administration's Mexican policy. "What's the matter with Kansas?"

"A peaceful war message" is what the president's talk to congress is termed. Still, that is better than a warlike message.

Nebraska's organized militia strength is 1,172. If occasion warrants, however, it can easily be multiplied by five or ten.

"Rome was not built in a day." Neither will be that new free bridge across the Missouri between Omaha and Council Bluffs.

Letting the dogs of war sniff the meat and not grab a mouthful implies uncommon confidence in the fellow at the end of the chain.

Already the democrats are claiming credit for the prospect of a bumper wheat crop. Counting chickens in advance of the setting.

The queen of Bulgaria might as well take notice now as when she lands that Uncle Sam may be in the market presently for a war loan of his own.

One of the anthracite coal companies is ripening a 20 per cent melon. Uncle Sam will please notice that here is a superior grade of soil for planting war taxes.

Consolidation of all the areas that make up Greater Omaha is discussed by a Dundee annexationist. All right! Go ahead and annex Omaha and South Omaha to Dundee.

Aviators who were the wonders of yesterday now are pulled by New York policemen for alighting on the Central park grass. Hero worship is a thing of few days.

So far the score shows that two United States senators have volunteered to go to the front in event of war with Mexico. The rest of the heroic braves will stick to the grandstand and lead the shouting.

Closer inspection of lunatics with homicidal tendencies is demanded. Unfortunately, most of these lunatics do not disclose their homicidal tendencies until they shoot, and post-mortem examination is not very satisfactory.

In advancing the price of dining car service eastern railroads neglected to boost the wages of waiters proportionately. The privilege of giving the waiters living wage is cheerfully left to the consumer who tenders the tip.

The governor of New York vetoed a bill logrolled through the legislature which undertook to deprive New York City of direct control of its waterworks paid for by the city. It is worth while noting that the empire state has an executive uncontrolled by mercenary politicians.

At the meeting of the council the police force was recommended as follows: Reappointments: John Donahue, William Flynn, Thomas Ruane, Owen Buckley, Peter Motza, Michael Whelan, Patrick Hinchey, John Turnbull, James Douglas, James Knight, Patrick Desmond, James Doyle. New appointments: Morris Sullivan, succeeding W. B. Armour; Frank Bellamy, succeeding William Lane; George W. Witmack, succeeding Al Selger; Duff Green, succeeding William Astman; Thomas Corrack, succeeding Frank Walker; J. J. Donovan, succeeding Daniel Hogan; Miles A. Cyrus, succeeding John Curry.

A petition headed by A. J. Simpson asked the city officials to appoint John McDonald as keeper of Hanson park.

Dr. Anna L. Benson, a graduate in medicine of the University of Michigan, died suddenly at the residence of Henry Gibson, 418 North Twenty-first street. She had resided in Omaha only since January.

Mr. and Mrs. John C. Thompson are rejoicing over the arrival of a daughter.

It is reported that the Union Pacific base ball club is about to disband.

A concert by Miss Nellie Brown of Macon, Mo., entertained an audience at the Young Men's Christian association last night.

M. Holquist and family left for Sweden to spend the summer with relatives and friends.

What Is War?

In asking approval of his plan to employ the army and navy to compel compliance with our demands upon the Mexican dictator, the president says that such action would not be war, and expresses the earnest hope "that war is not now in question."

That raises the whole subject as to what constitutes war, and where peaceful relations end and war begins. The accepted definition of war is "an armed contest between states or parts of states," and it is explained that such a contest is undertaken by one state against another for the purpose of compelling the offending state to fulfill its obligations.

The founders of the republic had the notion, a notion not peculiar to them at the time, that there could be no war without its formal declaration, and our constitution, therefore, provides that, although the president is commander-in-chief of all armed forces, with practically no limitations upon his war power, the right to declare war is exclusively vested in congress.

But it is common knowledge that a state of war, as a rule, comes into actual existence as a result of acute conditions that do not wait for any resolving or proclaiming by anyone to give them formal recognition. It is an act of war whenever the government or representatives of one nation violate the sovereignty of another.

How far hostile action must go to provoke complete cessation of peaceful relations and precipitate armed conflict depends upon circumstances. President Wilson may not consider the seizure of Mexican seaports by our navy to be war, but the Mexicans may regard it in a different light. We are not sure whether he would call it war if the situation were reversed, and Great Britain, for example, should seize two of our American ports to enforce redress of real or fancied grievance.

War, let it be remembered, is a condition of hostility into which nations may either drift slowly or be suddenly drawn by some flagrant overt act. The definition of war may be completely fulfilled without any declaration of war, and even where one or both sides are still insisting that they are doing their best to avoid war.

Stepping-Stone Offices. The recent decision of the supreme court blighting the receptive candidacies of any present state officers aspiring to other elective state jobs probably goes as far as the constitution warrants, but the application of the rule against stepping-stone offices could be much wider without detriment to the public service.

That the conscientious performance of duty should be rewarded, and that one good term deserves another, are political axioms, but that drawing the salary of one office entitles a public servant to draw the salary of some other office in continuous and uninterrupted succession reverses the rule of rotation in office and reflects upon the ability of the great American people to fill all the places except by moving the outgoing officials around. The practice of making one public office merely a stepping-stone to something better has its advantages, but also its disadvantages, which usually outweigh the advantages.

A constitutional amendment requiring every elective office-holder to retire from public life after serving his second term, if he ever gets a second term, would be mighty popular with everybody but the office-holders.

Foreign Opinion. Knowing that our own views are apt to be unconsciously warped by prejudice or personal interest, or formed at too close range to afford the proper perspective, the opinions of the foreign press upon the Mexican crisis are particularly reassuring to our position.

These newspapers, voicing the sentiment of the respective European countries, almost without exception indicate approval of the more aggressive move of President Wilson, and the discontinuance of the "watchful waiting" policy, which they all along condemned as a mistake. In England and Germany, more particularly, the consensus of expression is wonderment that the United States should have so long tolerated the impossible assumptions of Huerta. Foreign opinion is unanimous that Mexican opposition, either federal or constitutionalist, or both combined, can put up no effective bar to the execution of American plans, and that intervention by the United States throws out the best promise of restoring peace and order. It goes without saying that the foreign interests in Mexico, having no recourse to their own governments, would welcome anything the United States may do to re-establish conditions there favorable to the resumption of business, with ample protection to life and property.

All through comment of the foreign newspapers, however, runs a strain of distrust of our diplomatic resourcefulness. That we can stop with a naval blockade is not believed, and no great confidence is placed in our disclaimer of intention toward territorial aggrandizement. The London Graphic bluntly says: "The war is not an accident, but a thing predestined by irresistible causes," and the necessity of the United States protecting its interests in Mexico, and its still greater interests in the Panama canal to the south of Mexico, and our right to have a friendly government in the intervening country, is recognized and conceded.

The conclusion is justified from these first expressions of foreign opinion that the European powers will continue as interested spectators and, that while on the surface they are in the position of neutrals, the United States will have the benefit of their moral support.



The Socialist View.

OMAHA, April 22.—To the Editor of The Bee: The New York World takes Mrs. Iness Millholland Boiesevain to task for suggesting that society is somewhat responsible for the fate of the four men executed at Sing Sing Monday morning. It claims that only these criminals should be censured for their deeds, and that their punishment was deserved.

The editor of the World would not allow his children to play about a saloon or a gambling den or a house of ill-fame, let alone let them live in such atmosphere. He would not want them to associate with children who appeared all right, but of whom he knew nothing. He probably sends his children to church and Sunday school. Why all this? He wants his children to grow up in good surroundings. And he is right. Most of us recognize the importance of environment. Eminent sociologists say men are largely the product of education, environment and heredity. Let the second be unfavorable, and the first and last are often fatally handicapped as powers for good. The influence of heredity, moreover, is derived from the environments and experiences of many generations.

Centuries of power and misery are bound to bear unlovely fruit. This is no apology for criminals. The criminal is a fool as well as a knave. He tries to fight society single-handed and wrest from it a living without labor. He is a parasite. So is the professional tramp, begging from door to door. Now who encourages crime? Who produces the parasites among the poor? Certainly not the apostles of social justice.

No sane person looks down on useful or manual labor. Those benighted souls who do are to be found almost exclusively among the very class with which the editor of the World associates. Mrs. Boiesevain and her kind are never guilty of it. Honest labor is honorable. But today it is penalized. Shrewdness is richly rewarded. Productive ability is poorly paid everywhere. Those who prophesy a co-operative commonwealth proclaim the dignity of labor and a time when labor will be as powerful and, as prosperous as it is dignified. The present system degrades labor. The coming one will exalt it, will raise it to a high and a perpetual pinnacle.

EDMUND R. BRUMBAUGH, 208 Camden Avenue.

Keefe's Hat Not in the Ring.

WALTHILL, Neb., April 22.—To the Editor of The Bee: I wish you would print no more stories in your paper about me being a candidate for congress from the Third district. I have no ambition along that line. At present my only ambition is to continue the practice of my profession to the best of my ability and to continue to live in Walthill. It would be asking too much of a sacrifice of a man to move to Washington after he had lived in Walthill for a while. I have just finished several terms of service on the town board and I could not be expected now to accept a lesser honor. I am willing to salute the flag or to go to Mexico to assist in teaching Huerta how to behave himself, but I draw the line at going to congress because I know a little about it. For the last quarter of a century the people of the Third district have not kept a man in congress long enough to do any more than find his seat in the house. As soon as he is elected the political executioner begins to sharpen his axe. Our congressmen come and go so rapidly it would take a moving picture film to record them. As soon as a man gets in a position to represent the district efficiently, he must step aside and let the plum fall to some other party henchman who will blunder around Washington for a term then the story is repeated. Dan Stephens has represented the district as well as any democrat could be expected to, but now his party is bringing the serious charge against him that he is trading on the toes of some of the party leaders and that he has invited the whole people of the district whom he represents to the picnic to serve the political pastries instead of permitting the "flunkies" to gorge themselves alone. I am not a politician and not supposed to know anything about political ethics, and consequently have nothing to say about this democratic row. We have heard a whole lot of patriotic things said in the past few years about breaking away from party politics and voting for the man, and about a boss-ridden people, and we were led to believe that the people were trying to break away from the so-called evil of party politics, but the present hue and cry against Dan would hardly confirm all of these nice theories. I am inclined to think that the people of the district will find enough patriotic gentlemen whose friends will press them into the republican race for congress at the primary meet so that I will not be missed.

HARRY L. KEEFE.

Tabloids of Science

A towel wrung out of very hot water and applied to the back of the neck will often relieve severe headaches. Ill health, worry, ill nature and lack of fresh air and exercise will produce wrinkles quicker than old age. If the feet are tender and become swollen if much walking is done, bathe them in alum water and wear loose shoes. The use of powdered coal in an Ohio steel mill has resulted in an increased economy of operation and lessening the smoke evil. Chinese jade is so successfully imitated by German manufacturers that experts of the far east frequently mistake the artificial for the genuine. A weak solution of carbolic acid applied carefully to ink stains on carpets will remove them. If this changes the color it may be restored by ammonia water.

Statistical Notes

Transvaal gold output for 1913 is valued at \$8,000,000. In 1913 over 240,000,000 barrels of petroleum were produced in the United States. Nearly 1,000,000 women in the United States are either farmers or farm laborers. Oklahoma state free employment bureau in six years has found work for 35,000 persons. There are 2,145,644 depositors in the 140 savings banks in New York state. Deposits, \$1,741,697,496. Recent statistics credit United States with about one automobile for each two miles of country road.

Lawyers and Their Fees

Extracts from an Article Appearing in the Outlook, by Theron G. Strong, Member of the New York Bar.

The subject of fees is a sensitive point with lawyers. Judging from experience, it is also a sensitive point with clients. The difficulty of fixing a fee which will meet the approval of the client and at the same time compensate the lawyer was illustrated by a story related to me by Senator Spooner as having actually occurred. A good many years ago a well-to-do cotton merchant brought an action in one of the southern states to recover certain cotton or its value amounting to about \$75,000. The action was in the hands of counsel to whom he had been recommended, but in the course of the preparation of the case for trial he became dissatisfied as to their ability to conduct the case successfully, and was at a loss what to do. It so happened that as he was returning from their offices to his hotel he saw at a distance an old acquaintance who at one time had been a most prosperous and capable lawyer in Chicago, but, through unfortunate circumstances, had been obliged to abandon his practice and was reduced almost to penury. The merchant inquired as to what he was doing, and the other explained his hopeless condition owing to inability to find anything to do. "How would you like to try a lawsuit?" said the merchant. "How would I like to try a lawsuit? Why, I would like to try a lawsuit better than do anything else on earth." "Well," said the merchant, "come with me to my hotel and I will explain my case to you, and then I will take you to my lawyers and arrange for you to try it." This was like the sound of martial music to the old war-horse, and the introduction and explanation of the case came on in a few days, and the threadbare lawyer won it triumphantly. Then there came to his mind the question of his fee. He did not know what to charge; he wondered if \$500 would be too large; then he thought perhaps it had better be only \$250; but that seemed small, and perhaps he had better charge \$300; and he laid awake almost all the night, undecided whether the fee should be \$200 or \$300. The following morning he started for the office of the attorneys in the case, and who should he see approaching him, all smiles, but his opportunist client. Greeting him with the greatest effusion, the client took out one of those long pocket-books which held bills lengthwise, and opening it, extracted a package of \$500 bills. He handed one of them to the lawyer in silence; he followed it with another, and that with a third, then followed a fourth, and finally a fifth, and, looking up, he inquired: "Will that be satisfactory for the work you did yesterday?" "Well," replied the impecunious one, "add another, and that will be enough."

Almost all lawyers, I believe, prefer fees which are based upon the reasonable value of their services, considering the result secured. This is undoubtedly the ethical basis of practicing law, and it receives the approval of the bar associations and of the best element of the profession.

The income of lawyers has always been a subject of interest, not only to lawyers, but to laymen. There are few subjects, probably, that are more matters of guess work than this, especially as lawyers are very loath to disclose the amount of their receipts. Many are credited, from outward indications, with receiving far more than they actually receive, while others, credited with receiving little because of their quiet and inconspicuous practice, are in receipt of incomes that would occasion surprise if the amount were known. Outward indications amount to little. Large and expensive offices and a "bold front" impress the credulous, but they are generally deceptive. Of the entire body of 8,000 lawyers in the city of New York, probably 10 per cent are in receipt of very respectable incomes. One-eighth of the 800 may be in receipt of incomes of \$50,000 or more; another 100 may be receiving between \$10,000 and \$25,000; and the remainder will receive from \$10,000 to nearly \$15,000. If the incomes of lawyers were revealed, it would probably occasion surprise to find how few lawyers receive more than \$2,500 a year.

Fees based upon the contingency of success or failure in litigation have since early times been generally condemned, resulting in statutes against champerty and maintenance. The former is described by Blackstone as "a bargain with a plaintiff or defendant campum paritro to divide the land or other matters sued for between them if they prevail at law, whereupon the champertor is to carry on the party's suit at his own expense"; and the latter as "officious meddling in a suit that no way belongs to one by assisting either party, with money or otherwise, to prosecute or defend." There were offenses at common law as against good morals, and as tending to encourage and foster litigation. It is undoubtedly true that contingent fees in a litigation are, generally speaking, objectionable as offering a means to unscrupulous lawyers for exacting unconscionable fees. Reputable members of the profession of the law at all times have generally disapproved them.

Recently a code of ethics promulgated by the State Bar association, has criticized contingent fees severely, but, notwithstanding the statutes, under which, as was said nearly thirty years ago, no prosecution had been had within the memory of men living, and the general disapproval of them by reputable practitioners, I think it may safely be said that a considerable proportion of the litigation pending in the courts in negligence cases or actions for personal injuries founded upon neglect of duty, as well as many mercantile cases and the suits formerly so numerous against the elevated roads for compensation to abutting owners have been, and now are, conducted on this basis. There are cases in which it would be a practical denial of justice to the unfortunate, oppressed, and impecunious client if the lawyer were unwilling to undertake their cause and let the size of his fees depend upon the result of the litigation, even though there were no definite agreement to that effect.

Undoubtedly in certain kinds of cases, such as those involving personal injuries, unscrupulous lawyers exact agreements for contingent fees which are harsh and oppressive. They make no distinction between cases that are plain and those that are doubtful, and they generally require an agreement for one-half of the amount recovered, besides the taxable costs, which are frequently considerable. Such agreements, in my opinion, are unfair and should be under the supervision of the courts, and the burden of proving that they are just, fair, and reasonable should be upon the lawyer who procures them. Making it a business to undertake cases upon a contingent basis should be discouraged. Undertaking business of this character, except under special circumstances, will have an unfavorable effect upon a lawyer's practice, especially the young practitioner, who will soon find that his practice is being built up on cases of contingent fees, with consequent decline in his professional standing. Proper regard for legitimate professional methods is the expectation of a reasonable compensation for services rendered, in which the result secured should have due consideration.

People and Events

Word comes from reliable sources that a bachelor need not be lonely in New York if he can tango. A trained pair of feet will carry him into jolly company, and no questions asked. Arthur Inert, an honor President Huerta of Mexico, has just conferred the cross of honor, is a San Francisco engineer, and the award was made for his services in the Mexican campaign against the Maya Indians. He is the only American who has won such recognition. Brian O'Connell of Jerusalem is circulating around the United States, telling the "b's" from the "old sod" that there are fifteen Irishmen residents of the metropolis of Palestine, and one of them, Mike Kelley, is a policeman. "Be the powers," as Dooley says, "you can't lose 'em." A stranger bearing wisps of straw in his duds dropped in on a genteel poker game at Kenosha, Wis., and asked for a hand. Nothing doing. The stranger worked a hand with a gun, scooped in the contents of the pot, and vanished into the night before the players caught their breath.

LAUGHING LINES.

"Politics is getting more or less confused." "Yes," replied the worried looking statesman. "It's getting so that you've got to listen to a speech before you know whether you dare applaud it or not."—Washington Star. "I think the baby has your hair, ma'am," said the new nurse girl, looking pleasantly at her mistress. "Gracious!" exclaimed the mother, glancing up from her novel. "Run into the nursery and take it away from her. She will ruin it."—Stray Stories. Biggs—Do you expose Solomon favored votes for women? Riggs—I dunno. Just think of him up a thousand wives in his nearest votin' booth an' tellin' 'em how to vote.—Jackson Plain Dealer. Jack—I was just admiring Mabel's hair. How pretty it is! Mabel's Rival—Oh, she has some prettier than that.—New York Globe. "How can you smoke those vile cigarettes?" "Many great men have done the same thing. Robert Louis Stevenson smoked cigarettes." "I know that, but Stevenson had the decency to go to the middle of the Pacific ocean to do it."—Louisville Courier-Journal. Mrs. Pester—Don't you really think that women have more patience than men? Mr. Pester—I'm sure of it. I've been watching you play solitaire all evening with a deck that's four or five cards short.—Chicago News. Mrs. Exe—our husband looks as if he had a will of his own. Mrs. Wye—He has; but I generally add a codicil to it.—Boston Transcript. Bridget—I'm going to my broker's. I want to get rid of some bonds. Where are you off to? Griggs—To my divorce lawyer's. I want to get rid of some bonds, too.—New York Sun. "Step by step much is attained. Big

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