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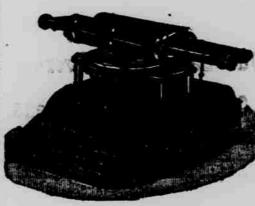
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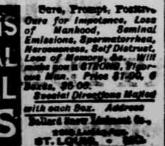


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COUNTY COMMISSIONERS STATE-

To the Electors of Cass County, Ne-

Having noticed the false and violent statements made in the columns of some of the papers published in this county, which we believe are made for the purpose of deceiving the voters as to why the petition for a county seat election was refused, we feel that it is but justice to ourselves and the voters that the exact facts should be known.

We will briefly state our official acts in this matter, and upon what facts they were based, and feel confidant that our action will be approved by all intelligent, law-abiding people of this county.

The petition received our prompt attention when presented. Immediately after it was presented a protest in writing, and sworn to, was filed in the office of the county clerk by electors of the himself. This is equally true in the

This protest advised the board of commissioners that many names on the petition were secured by unlawful means, that many names were forgeries, that many others were the names of non-resisign by fraud and misrepresentation.

After due deliberation we continued the hearing of this controversy for forty days and this is the first ground for the adverse criticism to which we have been subjected by the unthinking partisans of tion and that large numbers of minors the object of the petition.

We respectfully and emphatically say to our fellow citizens that a decent regard for our duty imposed by the law of this state required us to give reasonable time for investigation. We were not advised of the facts raised by the protest and could not possibly act intelligently without investigation.

We could not perform the duty that we owed to the people of the county without taking the time of which these partisans complain.

Under the laws of this state the county upon the sufficiency of a petition for county seat elections. It is difficult to understand how they can perform this duty without the necessary time for inand hear before they determine. It was determine whether those persons whose names appeared on that petition were qualified electors and bona fide residents had not been duplicated and to determine whether the names appeared on upon. that petition as required by the law of the state. The law governing county seat elections was our only authority for calling an election. We addressed ourselves to the performance of our duty in this matter as prescribed by the law of this state and which duties we assumed

under the solemnity of our official oath. As the inquiry proceeded we ascertained by the clearest proofs that names appearing on the petition had been du plicated; that minors and non-residents in large numbers had signed the petition; that others had been induced to sign it under the representation that they were signing a petition against prohibition and as we examined each name appearing on said petition the fact was disclosed that 369 names did not comply law. with the law governing county seat elections. That law prescribes as an in dispensible qualification or character of such petitions that the section, town ship and range in which the petitioner resides shall be given, his age and length of residence in the county; in a great many cases this provision was disre-

We carefully deliberated on this matdomicile of the persons whose names were signed.

The statute has fixed these requirements and we ask the intelligent, fairminded and law-abiding citizens of this county and state if we had any right to and which we had solemnly sworn to titioners. support and observe.

If one of these requirements could be rightfully disregarded, then the observance of every one of them would be optional with the county commissioners, and we could act upon our mere whim or preference in matters of grave

In this matter we adopted and acted as well upon belief that the law was mandatory and that it controlled our action in this matter.

The complaint that old residents of the county whose names appeared upon

the petition were stricken off for this reason should be directed against the law, and the persons preparing the petition, and not against the commissioners,

whose duty it is to follow the law. In cities where registration laws prevail it is a matter of frequent occurence hat bona fide electors are denied and deprived of the right to vote because they neglect to register. Such persons could not rationally complained the election boards for reft sing to accept their vote, for the reason that the law prescribed registration as a condition upon which the right could be exercised.

Before the citizens can exercise the electing franchise he must comply with the lat that regulates the right. If the citizen wishes to exercise that right he must comply with the law that grants it and if he neglects the requirements there is no person to blame but matter of this petition If any elector of Cass county desired to have his name counted on that petition the law prescribed how that wish could be gratified and the requirements of that law should be observed. The petitioner prepares dents of the county and still many others | the petition and an observance of the signed by persons who were not electors | requirements of the law in all matters of the county or had been procured to pertaining thereto is a duty that he assumes and he has no rational complaint against the ministers of law if he has not compfied with it.

Independent however of the fact that names were duplicated upon the petiand non-residents signed it and independent of the fact that \$69 names which appeared in the petition did not comply with the law and could not legally be counted, the petition was rightfully rejected and dismissed for the reason that 224 of the electors who signed the petition voluntarily withdrew their names from it and in due form of law required the commissioners not to consider their names as petitioners, alleging that their names had been procured to the petition by misunderstanding and misrepresentation; this act on commissioners act judicially in passing the part of those 224 persons left the petition 88 names short of the number

required by law. Our supreme court has decided that petitioners on this class of petitions are vestigation. This is true of all courts in the nature and character of plaintiffs and tribunals that proceed upon inquiry in a law suit; they have an indisputable right to withdraw their names from the our duty to pass upon the sufficiency of petition or law suit, at any time before this petition. In the performance of that the question is finally submitted; qualifications of the name of each person they have as much right to withdraw which appeared upon that petition; to from the petition as they have to sign

The object of this petition is to show and make it appear that there is a probof the county; to ascertain that names ability that if the election is called the proposition may be favorably acted

It is certainly no more annoying or injurious to the partisans of county seat removal to have these persons withdraw from this petition and thus defeat the calling of an election, than it is to vote against the proposition if it is submitted and if they will do one they are quite as likely to do the other.

Our supreme court has decided that county seat elections are not favorites of the law, and those who desire them must comply strictly with the law.

The expense, loss of time and inevitable annoyance and friction attending these contests should not be infleted upon the people by the mere whim or caprice of agitators or of public servants but should be granted only as a mandate of the

In conclusion we respectfully submit to our fellow citizens of Cass county that in this matter we are as clearly convinced that we have performed our duty and our whole duty as we are that an alleged petition was presented for our consideration

A committee of the petitioners appeared in person and by counsel before us when this matter was finally disposed ter and asked the opinion of the county of, and gave notice of an appeal from attorney, H. D. Travis, and our final de- our action in this behalf. We were termination of the matter was in accor- pleased with this course, for if we were dance with the opinion of the county at- | wrong we were willing and anxious that torney and our own judgment; for in the courts should put us right; and we such cases it was impossible to know are very much disappointed by the negwhether such names were bona fide or | lect or petitioners to pursue their appeal, not, or whether they had been placed and we here offer these petitioners and there by persons ignorant of the place of their counsel that we will voluntarily appear in court and if they will present their grievances and there submit our action to the judgment of the court, and should such judgment be adverse to our action we agree personally to defray the expenses of the inquiry in court, indisregard the requirements of the law, cluding a reasonable attorney's fee to be which was our only authority for acting fixed by the court on behalf of the pe-A. B. Todd,

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