

THAT IMPEACHMENT.

THE LEGISLATORS BEGIN THEIR PROCEEDINGS.

THE LAWYERS SUBMIT A REPORT.

Humors That ex-State Officers Will be Brought Into the Trial—The List Now Includes Humphrey, Allen, Hastings and Hill—Notes.

LINCOLN, March 31.—The proceedings at the state house yesterday were not much of a surprise to the members and spectators.

Just as the hand on the big clock above the speaker's desk pointed to 11:40 Captain Barry came in with the cell house evidence under that arm that has served him so faithfully.

As soon as the members saw them coming in they realized that the report of the impeachment committee that has caused so much inquiry and at the same time been enshrined in such profound mystery, was about to be made.

To the Representatives of the State of Nebraska: We, your committee, appointed by your honorable body to employ counsel to take such steps as seemed proper for the purpose of instituting proceedings of impeachment against state and ex-state officials, if shown to be guilty of malfeasance or negligence sufficient to warrant impeachment proceedings, beg leave to report that we have submitted to your committee of legal advisers, to-wit: George W. Doane, S. B. Pound and W. L. Greene, all evidence bearing upon the matters above named and herewith present their findings and report as a part of this report.

After he had finished the reading of the report and taken a seat close up in front, Howe rose and bearing himself upon his crutches said in a tone showing that he was moved: "Are the findings of the committee of attorneys submitted with the report?"

Barry: "I would say to the gentleman from Nemaha that they are and would request the clerk to read them."

The clerk took up the typewritten copies of the reports and read them while the house preserved almost a disagreeable stillness.

Following is the joint report of Messrs. Doane and Greene and the separate report of Judge Pound.

To the Honorable the House of Representatives: We the undersigned, appointed by your honorable body to examine the testimony taken by the several committees appointed to examine into the accounts, expenditures and other features of the state institutions, and to report whether or not such testimony shows any of the state officials or ex-state officials to have been guilty of malfeasance or negligence sufficient to warrant impeachment proceedings against them, or any of them, beg leave to report.

That we have heard read all the testimony taken by said committee which has been submitted to us and have carefully considered the same, and that in our opinion there is sufficient testimony taken and reported by said committees to warrant us in instituting impeachment proceedings against the following persons, to-wit: J. C. Allen, secretary of state; A. R. Humphrey, commissioner of public lands and buildings; Geo. H. Hastings, attorney general; and J. D. Hill, ex-treasurer.

We do not understand that it was in the purview of the resolution under which we were appointed that we should report any special findings of fact upon which our conclusion is based, and therefore we have not done so. But as a matter of law we have no doubt that the facts as testified to before the several committees of investigation appointed by your honorable body are sufficient to warrant articles of impeachment against the persons above named.

The testimony shows a systematic and continuous plundering of the state by some of the contractors for furnishing supplies to the hospital for the insane and in the account rendered the board of public lands and buildings for material furnished and labor applied in the construction of the addition to the penitentiary known as the new "cell house" and we recommend that suit be instituted at once against such of the fraudulent contractors as are financially responsible, to recover back the amounts which they have so fraudulently obtained from the state.

All of which is respectfully submitted. GEO. W. DOANE, WILLIAM L. GREENE.

Judge Pound's Report. To the Honorable the House of Representatives: As one of the three counsel appointed by a resolution of your honorable body to examine the reports of the several committees of the house, and the testimony accompanying the same in respect to alleged misconduct and malfeasance in office of state and ex-state officials and to give a legal opinion whether such testimony is sufficient to warrant impeachment proceedings against said officials or any of them I have the honor to report as follows:

That said testimony if accepted as accurate and true, the same not having been subjected to the test of cross-examination, in the absence of a full hearing on their part explaining their motives and the circumstances under which they acted, seems to justify, in my opinion, impeachment proceedings against the board of public lands and buildings. For employing one William H. Dorgan in the spring of 1891 and retaining him to act as the agent of the board in the erection of a certain cell house at the state penitentiary knowing that said Dorgan was at the same time the agent of C. W. Mosher, the contractor of the state penitentiary, whose interests were adverse to those of the state, thereby enabling said Dorgan and Mosher successfully to defraud the state out of many thousand dollars, and for an apparently inexcusable and reprehensible carelessness and indifference in the examination and approval of vouchers, accounts and reports of Dorgan and of his disposition of the public moneys, placed in their hands for disbursement, knowing the temptation and opportunity afforded him to defraud by reason of his dual relation to the board and to the contractor, and also against certain members of said board mentioned in said testimony and the reports of said committees for using and expending without authority of law public moneys in traveling to examine prisons in other states in the fall of 1891. I further report that in my opinion said testimony fails to show that the members of said board or any of them were directed by corrupt motives or that they or any of them were guilty of any willful breach of duty. All which is respectfully submitted.

STEPHEN B. POUND. Howe was up ready to address the speaker as soon as the clerk concluded the reading of the reports and said: "Mr. Speaker: This is a very serious matter and I would suggest that it be laid over until 2:30 this afternoon."

Barry: "I realize the force of the gentleman's remarks and would not object to its being laid over until that time."

Keckley: "Mr. Speaker, I desire to offer a motion to have a committee of three appointed to notify the senate that the house is ready to act upon a resolution to impeach."

Barry: "I move you, Mr. Speaker, that this house entertain the following resolution: When the house was called to order again at 1:30 by the speaker seventy-seven members answered to roll call. The gallery and lobby were crowded with spectators who maintained the best of order while the impeachment resolution was under consideration."

Barry revived his favorite theme by saying: "Mr. Speaker, the special order for 2 o'clock this afternoon was the general appropriation bill, but by general consent the order has been reversed and we have agreed to take up the resolution. I will therefore renew my motion to entertain the resolution."

The Motion Carries. After considerable discussion as to the proper manner to proceed, Keckley moved to reconsider the motion by which the general appropriation was made a special order and advance the consideration of the resolution ahead of the special order. This was agreed to and the motion to entertain prevailed.

Barry did not appear to be content with one resolution and offered the following and moved its adoption: Resolved, that the committee to employ counsel in the matter of impeachment of state and ex-state officials is hereby authorized to take testimony and offer the same in impeachment proceedings.

To this Kaup interposed a point of order stating as a basis that the house could not entertain the resolution independent of the senate and that it should be considered in joint convention. Senators and Representatives Meet to Deliberate Upon the Resolution.

Promptly at 4 o'clock Sergeant Alley, of the senate came walking down the center aisle a few feet in advance of Lieutenant-Governor Majors and in senatorial tones announced: "Mr. Speaker: The honorable, the Nebraska state senate."

Governor Majors walked up to the speaker's desk and in that quaint distinct voice said: "The joint convention will be in order. The secretary of the senate will call the roll of the senate." The roll call showed every member of the senate present.

"Clerk of the house will call the roll of the house," was the next order, which was obeyed by Clerk Johnson with his accustomed celerity.

In Pursuance of the Resolution. After the roll call the president, Governor Majors, rose and with the statute in his left hand said: "This convention has met in pursuance of the entertainment of the resolution of impeachment by this house. The chair will read section fourteen of the constitution, or a portion of it. The senate and house of representatives, in joint convention, shall have the sole power of impeachment, but a majority of the members elected must concur therein. Upon the entertainment of a resolution to impeach by either house, the other house shall at once be notified thereof, and the two houses shall meet in joint convention for the purpose of acting upon such resolution within three days of such notification."

This joint convention, therefore, has been assembled for the purpose of acting upon such resolution of impeachment that has been entertained by the house. The question therefore, will be upon this resolution. The chair will ask that it be read by the secretary.

Senator Mattes: "I would move that the further proceedings under the call of the house be dispensed with. I wish to state that we have agreed not to blockade this matter; it is agreeable to us that this joint convention take a recess until tomorrow morning at 11 o'clock, and under those conditions we withdrew."

FRIDAY'S SESSION. The Accused Officials Put On a Bold Front—The Resolution Adopted.

LINCOLN, April 1.—The joint convention to consider the impeachment resolution heretofore entertained by the house, met in representative hall at 4 o'clock yesterday afternoon, with Lieutenant Governor Majors in the chair.

A roll call showed all present except Representatives Carpenter and Harmon, who had been excused. Senator Pope sent up the following communication, which, on motion, was made a part of the record:

To the Members of the Twenty-third Legislative Assembly: The board of public lands and buildings have been charged before your honorable body with certain official neglect and misfeasance in office and steps have been taken looking to the impeachment of the officers comprising that board.

We are anxious to have a full, fair and impartial investigation of any and all charges which have been or may be brought against us; where the state chamber method of investigation will not prevail, but where we will be permitted to know the accusation and face our accusers, knowing as we do such a trial can only result in our vindication.

We therefore respectfully ask that the resolution of impeachment be adopted, and such measures may be taken as will result in a speedy trial of the charges, and that we may be given an opportunity to refute the same, and be heard in our own defense, an opportunity which has been wisely denied us up to this time. We ask those members of the legislature who have conscientiously opposed the methods that have obtained in the partial investigation thus far carried on, to withdraw such opposition and let the resolution pass, and we only ask that judgment upon the case be withheld until we can produce our proof and be heard in our own defense.

A. R. HUMPHREY, President of the Board of Public Lands and Buildings. JOHN C. ALLEN, Secretary of the Board of Public Lands and Buildings.

After some discussion, the word "malfeasance" in the resolution, was changed to "misdemeanor," and the roll was then called on the adoption of the resolution.

A number of republicans explained their votes. They said in substance that the proceedings were unjust and unwarranted, but voted "aye" in order to give the accused officers a chance to vindicate themselves. Elder also made the same explanation.

Only four members voted "no," three republicans, and Senator North democrat. President: One hundred and twenty-seven members of the joint convention having voted in the affirmative and four in the negative the resolutions are agreed to.

McKesson: I move you, sir, that a committee of five be appointed to draft articles of impeachment and report the same to this joint convention tomorrow. President: The chair hears no second. "Seconded." The gentleman will submit his motion in writing.

Lowley: The motion the gentleman from Lancaster made is to appoint a committee of five to draft and report to this body the articles of impeachment. Now that is a distinct thing. The substitute is to appoint certain gentlemen to prosecute that case after it has been referred and adopted by this assembly.

Now if the gentleman will take the record he will find in the impeachment of Andrew Johnson that a committee of seven was appointed to draft the articles of impeachment, and that afterwards the managers were appointed to prosecute and to run the prosecution. I would ask this assembly how they can appoint managers to conduct a prosecution when the articles for the prosecution are not adopted. I say therefore, that they are a separate and distinct thing, the appointing of a committee to draft articles of impeachment is one thing, the appointment of a board of managers to conduct that prosecution is another."

Watson: I would call the attention of the assembly to this fact, that in all of these proceedings that have been conducted in the house, the speaker of the house in appointing a committee, none of us objected. These gentlemen did object to any one member naming the committee, and still they persisted in doing that. Let them insist upon this substitute. No one is here to raise any fuss over this matter. We want to receive it as we have all along in the ordinary and regular manner. I hope the substitute will not be insisted upon.

President: Gentleman will send up his motion in writing. Howe: "I offer the following as an amendment to the amendment of the gentleman from Lancaster, and ask to have it read."

President: "The chair recognizes the gentleman from Greeley." Barry: "I move that this joint convention select a committee of five." Howe: "Now I offer mine as a substitute for the two, and wish to have it read. I move that the committee just selected by this joint convention be empowered to obtain the assistance of the attorney, Stevens B. Pound, George W. Doane and W. L. Greene to assist them in drawing articles of impeachment to be presented by said committee to this joint convention."

Barry: I accept that. Lowley: I rise to a point of order. No articles of impeachment can be presented only by this body or members of its appointment. No outside parties who are not members of this body can present articles.

President: The point of order is well taken. Howe: Mr. President, I understand that you decided the point of order raised by the gentleman from Seward out of order. I appeal from the decision of the chair.

Casner: I call for the ayes and nays. The roll was called and the president announced the vote as follows: Seventy members of the joint convention having voted in the affirmative, and fifty-six in the negative, the decision of the chair is sustained.

SATURDAY'S SESSION. Saturday morning THE ALLIANCE-INDEPENDENT issued an extra warning the legislature that there was imminent danger of the whole proceedings becoming a farce.

The following is a copy of the extra: THE IMPEACHMENT. A Scheme Exposed—The Correct Plan Outlined. GENTLEMEN OF THE LEGISLATURE. Do you want your impeachment proceedings to be a farce? The scheme is already "cut and dried" to make them so.

A BOLD BLUFF. The request made by the accused officers yesterday was simply a shrewd move on their part to gain popular sympathy, and throw those who are pushing this matter off their guard.

These men have never courted investigation. On the contrary, they and their friends have continually thrown obstacles in the way of such investigation.

The charge of "star chamber" methods, which they made against the house, was an insult to the majority of that honorable body.

A MISTAKE. You made a serious mistake yesterday when you gave Majors any voice in the appointment of the committee to draft articles of impeachment.

The constitution says that "the two houses in joint session shall have the sole power of impeachment." Majors is not a member of either house, and hence has no legal right to take any part in the proceedings, except to preside. Besides, he is one of the state officers elected on the same ticket with the officers to be impeached.

He is not in sympathy with your proceedings, but is in full sympathy with the accused officials. This was shown by his arbitrary rulings yesterday, and particularly by the appointment of two men to draft articles of impeachment, both of whom are opposed to impeachment and one of whom voted against the resolution to impeach.

Majors also showed his unfairness by ignoring the independents, who have 14 senators.

THE PLAN OF THE STATE OFFICERS and their friends to make the impeachment a farce is as follows: 1. To adopt articles of impeachment which are weak and cover as little ground as possible.

2. To appoint on the committee which will conduct the impeachment men who are in sympathy with the accused officers.

If they succeed in this plan, the men who have been instrumental in having these proceedings instituted will be the laughing stock of the country.

THE CORRECT PLAN and the one which should be adopted is: 1. To make the articles broad so as to cover every charge which can possibly be proven. They should cover: The asylum frauds, The penitentiary frauds, The non-investment of the permanent school fund, The Capital National bank frauds, and every other fraud that has been, or is likely to be unearthed.

2. To appoint a committee of good men to have charge of the impeachment proceedings, all of whom are in favor of impeachment.

To appoint any man to prosecute this case who is in sympathy with the state officers would be monumental folly. Yet this is exactly what will be done if Majors is permitted to name the committee, or part of it.

It is the duty of all members, regardless of party, who believe these proceedings are justified by the facts already known, to get together and act together to make it a success.

Gentlemen, will you do it, or will you let it be a farce and a whitewash? The matter is in your hands. Today's actions will decide the matter one way or the other. Lincoln, Neb., April 1st, 1893. THE ALLIANCE-INDEPENDENT.

These extras were distributed Saturday morning and had the effect of putting the independents on their guard. The convention met at 10:30. The committee reported that they had employed lawyers Doane, Greene and Pound and that they were at work on the articles and would not be able to complete them before Tuesday.

In pursuance of the republican scheme Sheridan (Ind) was on his feet to move that a permanent committee of five be appointed to conduct the impeachment. He evidently thought the speaker would follow the bad precedent of Friday when he appointed Colton, the mover of the motion a member of the committee.

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