Three Republican ex-State Officers Charged With Misdemeanors

in Office

AND ARRAIGNED FOR TRIAL

Before the Supreme Court, They are Allen, Humphrey, and Hastings; Hill, Benton and Leese.

#### A Review of The Case

D"Diseases desperate grown by desperate appliances must be relieved." -Shakspere.

For years the republican party bas seemed to possess some sort of magical power stronger almost than fate itself. Repeatedly has it snatched victory from defeat by brilliant tactics and unlimited gall. Two years ago the wonderful popular uprising under the name of "The Alliance" suddenly set the republican party back from a first to a third party in this state. Stunned and dazed but not destroyed, that party rallied, regained its equilibrium, renewed its gall and during the past campaign, instead of standing on the defensive, its champions boldly assailed the new party in its strong-holds. To the surprise of everybody such tactics won a complete victory.

Emboldened by this success, they conadently planned to organize both branches of the legislature, to elect a United States senator, and to fully reestablish their party in power.

"There is a time for all things" said wise old Solomon. The time had come for republican magic to fail.

The republican party failed to organize the legislature, or either house. It falled to elect a United States senstor. Neither its magic nor its money availed anything to accomplish these objects. Worse than that. It found that its new enemy, the independent party, though defeated at the polls, was vigorously pushing its campaign along the same lines. Not satisfied with the verdict of the people, the independents proposed to verify the truth of their campaign charges by investigating the various state offices and state institutions.

The exposures, which have ended in the impeachment of three state officers and three ex-state officers, bagan with the exposure of asylum frauds by E. C. Rewick last September. Mr. Rewick's charges were sustained by an investigation reluctantly conducted by the very was followed closely by a grand jury investigation which resulted in the indistment of six members of the boodle gang. Following closely upon this came the fallure of the Capital National bank, and the exposure of Mosher's gigantic stealings.

When the legislature had completed its organization, the investigation of the various state offices and state institutions was one of the first important duties undertaken. Nearly all the effective work in this line was done by the house. The success of these legislative investigations has been very largely due to the exposures that had already been made. The legislative committees simply began where the grand jury left off. If they had been compelled to begin at the ground and work up, they might have accomplished very little, but as it is, they accomplished astonishing results.

For a long time after the investigating committees were appointed, they proceeded about their work to quietly that the outside public never suspected the great sensation their work would produce.

Whether from wise planning or from lucky accident, the reports of the prindpal investigations were made at the most favorable . time. 2 The United States senator had been elected. The house had passed the railroad bill, and the appropriation bill, and got far ahead of the senate in all important matters of legislation. In fact the house not only had the time to consider had the humor.

The three principal reports were sprung upon the house at the same time. They were the reports of the journed over till Thursday. cell-house investigation, the penitentiary outrages, and the asylum frauds.

The fearful condition of things exposed by these reports arrested the attention of the whole state, and staggered even the most brazen of republican apologiats.

A resolution looking toward the linpeachment of the members of the board of public lands and buildings was latroduced. It was allowed to lie over for several days without action. If it had been pushed to a vote at once, it might have been defeated. Every day that passed added strength to the sentiment in fever of pushing the impeachment. Finally a shrewd move was made, (for which Keeking of York claims the eredit) providing that the evidence bees benitted to three able asterneys, one from each party. These eminent legal

felly. Hence they put on a bold face and demanded a chance to prove their innocence. The house adopted the impeachment resolutions against Allen, Three Republican State Officers, and Hastings and Humphrey, state officers, and Hill, ex-treasurer. A joint convention was called, the resolution approved and the three attorneys Doane, Greene and Pound employed to draft articles of impeachment.

Such is a brief history of the case up to Wednesday Arpil 5th.

#### Articles Adopted.

At nearly five o'clock, Wednesday, the senate, having passed the railroad bill, marched over to the house, and the joint convention began. The joint committee on articles of impeachment submitted the following report:

To the Presiding Officer and Members of the Joint Assembly: Your joint committee directed under resolution of this joint assembly to prepare articles of impeachment for misdameanor in office to be presented under section 14, article 8, of the constitution of the state of Nebraska, against the persons named in said resolution, to wit: A. R. Humphrey, commissioner of public lands and buildings. John C. Allen, secretary of state and secretary of the board of public lands and buildings, George H. Hastings, atterney general and member of the board of public lands and buildings, and J. E. Hill, ex-treasurer of state, beg leave to make the following report:

Your committee herewith present their unanimous report, presenting to this joint assembly the articles of impeachment prepared by counsel heretofere employed by the house committee against the persons named in resolution. Your committee in the making of this report express no opinion as to ing of this report express no opinion as to the matters involved in said controversy; but leaving each member to vete as seems to him right and proper under the circum-

Your committee would further state that taid articles of impondment are presented to this joint assembly for their consideration just as the same came from the counsel afore

Your committee having complied with the requirements of your resolution would ask to be discharged.

All of which is respectfully submitted.

GEO. R. LOWLEY, Chairman,

J. E. NORTH,

J. C. VAN HOUREN,

Class S. COLVEN,

GRO. B. COLTON, P. H. BARRY. Pope moved that the evidence and articles of impeachment be read before the joint convention before action should be taken upon the matter. The

motion prevailed and the clerk read one of the indictments through. Watson offered a motion just before the conclusion of the reading that the further reading be dispensed with. The motion stirred up some little forensic fury but it soon blew over and the clerk finished the reading of the article. The articles of impeachment are four in number and are practically the same. The one against ex-Treasurer Hill omits the \$500 as a cause of action against him but is used as one of the counts against

each member of the board. The substance of the articles is given below and

evidently taken from the report of

the cell house committee as the figure used in compiling the counts agree with those reported by that committee. Article first cites the fact that the board of public lands and buildings are the parties under which the control of all state buildings, grounds, lots, etc., belong; that among these institutions subject to their control was the state penitentiary; that at the twenty-eccond seeden of the logislature the sum of \$49,000 was appropriated for the purpose of building an addition to the state penitentiary and that the addition or cell house was to have that the addition or cell house was to have been built "by days work," that is, the label upon the same should be employed by the state upon a per dism basis.

It also professes to hold each and every member of the board responsible for the proper care and keeping of these funds. Further that the amount came into the persession of the board on or about the month of May, 1891, but the said board did not properly and faithfully disburst said funds for the purpose aforesaid, but while the said fund was fur their posses-sion the board was guilty of unlawfully, negligently and corruptly neglecting to discharge their duties in regard to such funds whereby they became guilty of misdemeanors in office.

This relates the condition of affairs between the state and C. W. Mosher regarding the contract labor lease. It also recites that the members of the board knowingly appointed W. H. Dergan, whom they will know was the agent of said Mesher, to superintend the affairs of the state; that Dergan was guilty of many acts of injustice to the state in the performance of his duties to the state in the performance of his duties to the state in the performance of his duties as such contractor. Among these irregularities cited is the one alleging that Dorgan charged the state at the rate of \$1.00 per day for all labor while as a matter of fact he let the same labor to corporations and firms at the rate of forty cents per day. They allege that in this the state was greatly defrauded and also in the appointment of said Dorgan. In this it is also alleged that the members of the board were guilty of misdemeanor in office.

In this specification it is alleged that the members of the board are guilty of misdemeanor in office because of the fact that they received the appropriation affersaid for the sole purpose of building the said cell house, but did contrary to law, pay ever and place in the hands of Dorgan large sums of mensy from time to time in advance of the precurement of material or expenditure of labor required upon the cell house. They also allege that this was done without adequate security therefor, thereby placing it in the power of Dorgan to defraud, by which the state was defrauded out of large sums of monay.

Another article charges the mem-In this specification it is alleged that the

Another article charges the members of the board with misdemeanor in wishes. these reports and act upon them, but it approving fraudulent vouchers for cattle, coal and other supplies for the

asy um. The articles against Hastings were read through, and the convention ad-

## Thursday's Joint Convention.

The joint convention suct promptly at 10 o'clock and proceeded at once to further consider the articles of impeachment.

Senator North was the first to be recognized and inquired if the reading of the articles against the atterney general had been completed. He was informed that it had and as seen as he received this information he insisted upon his motion offered in the previous day which saked that the reading of the articles of impeachment be dispensed

Keckley's motion to "adopt" as read then recurred but was amended by Senater Moore to read that the house do not adopt the articles but simply present them to the supreme court. In support of his motion benatur Moore made an eloquent appeal to the convention to act with that care and caution becoming the dignity of the occasion. He said there were grounds for imposchment evidence; that his consc we would not proceedings. The state officers as that, allow him to vote to adopt the articles.

further opposition on their part was as seng as ne was not acquainted with the matters therein contained. Further he explained that the attorneys who had drawn up the articles of impeachment had not inserted a clause to adopt, but

had simply recommeded presentation. Irwin offered a substitute asking that they be both adopted and presented which prevailed. The previous question was then ordered and the articles

adopted by the house.

The first was the one against At-The first was the one against Attorney-General Hastings and was adopted by a vote of ninety-five yeas and twenty-four nays. Many of the members explained their yotes.

John C. Allen, secretary of state, the articles of impeachment were adopted by a vote of eighty-nine to three.

A. R. Humphrey, commissioner of public lands and buildings, ninety-four to five.

The joint convention then adjourned to meet at 2 o'clock.

Afternoon Session. Although the republican state officers had requested their friends to vote for impeachment, and all open opposition had ceased, they had set up a scheme by which they hoped to snatch victory from defeat and make the impeachment trial a farce. The committee appointed by the joint convention of the previous week to attend to drafting the articles had been on its good behavior. Although two of its the impeachment, and another was in doubt, they had carried out the wishes of the convention in the hope that such behavior might secrue them a reappointment. Then, with full power, after the legislature should adjourn, they could make the whole affair a farce and a white-wash. They had succeeded in hoodwinking Keckley and he had fallen in with the scheme. Many of the independents had been thrown off their guard, and there was imminent danger that the republican scheme

would succeed. Seeing the situation, the editor of THE ALLIANCE-INDEPENDENT decided to issue another extra, which was got ten out just in time to be dsstributed as the joint convention met. It was as follows:

ANOTHER NOTE OF WARNING!

WILL THE IMPEACHMENT TRIAL BE A FARCE? AN APPEAL TO HONEST MEMBERS OF ALL PARTIES.

GENTLEMEN OF THE LEGISLATURE. The joint convention should appoint on its impeachment committee only

Men who are incorruptible; Men of solid judgement and iron

Men who are in sympathy with the

impeachment proceedings; Men who will not help white-wash

the impeached officials. Remember, when the legislature has adjourned the whole responsibility of conducting the case will be thrown on this committee. If it is weak or treach-

erous, the whole affair will be a stupendous farce. The state officers and their friends are doing everything in their power to make their impeachment a farce.

Their plan is to have the present committee

reappointed. For the joint convention to do this would be a

MONUMENTAL ACT OF FOLLY. In their votes and acts this morning, three of these men North, Lowley, and Colton, have shown themselves to be in sympathy with the accused officers.

Independent members, are you willing to have only one member on this committee when you have nearly half the members of this convention, and after you have done most of the work of unearthing the frauds? Romember the people will hold you responsible for the success or failure of this case.

Democratic members, will you submit to be represented on this committee by a man who is openly in sympathy with the accused officials; a man selected by a republican state officer?

Inde; endent republicans, are you willing to have on that committee two republicans who have done nothing to unearth these frauds, and are opposed to these proceedings? Remember if this trial proves a farce you will be ground to powder by the republican machine.

Gentlemen who betteve in a genuine prosecution of this case, we appeal to you in the name of an outraged and plundered people to get together and appoint a committee that will repreeent your sentiments and carry out your

N. B.-None of these criticisms apply to Messrs. Barry and Van Housen who are doing their whole duty.

Yours for justice, THE ALLIANCE-INDEPENDENT.

This circular set the republican schemers into a terrible rage, and some of them denounced it as a false and underhanded piece of business, but the results fully vindicated the positions taken by THE ALLIANCE-INDEPEND-

2 o'clock and the articles preferred ugainst ex-Treasurer J. E. Hill were adopted by the joint convertible in the afternoon the senate came in at adopted by the joint convention by a vote of ninety three to nine. Sheridan effered the following resolution and

moved its adoption. President: Inasmuch as there will be many witnesses to examine in considering the impenchment of the board of public lands and buildings and ex-members of the same, and considerabis detail work in assisting our attorneys in presenting the said parties to obtain back money thought to be illegally expended by them, after the following resolution for the consideration

of the joint convention.

Remivet, That there be a committee of five appointed by the joint convention to

tures (a members or use neuse, sum coun-mittee to be authorized by this joint convenmittee to be authorized by this joint conven-vention to send for "persons and papers" and require their attendance for the purpose of examination regarding matters partain-ing to the imposement trial or the trial to have refunded to the plate, moneys diegally expended; and to sit in session at seek times as in their discretion they may think the best interests of the state may be subserved.

#### The Scheme Knocked Out.

Sheridan's idea seems to have been that he would be appointed chairman of the committee, being the mover of Cornish of Lincoln the resolution. was on his feet at once with a substitute embodying the republican scheme Is provided for the appointment of the same committee, North, Lowley, Colton, Barry and Van Housen, and instructed them to employ G. M. Lamberteon and Judge Woolwor h of Omaha as attorneys to prosecute the im-peachment. The "note of warning" thoroughly aroused the inde-Porter arose and protested against the inconsistency of appointing men on that committee who were in sympathy with the state officers. Other independents protested against discharging the lawyers who had examned the evidence and drafted the articles, and employing new men who knew nothing of the case. The republicans plead for the adoption of the sub-titute, and talked about the honor and integrity of the gentlemen on the committee. But the independent members had seen all they wanted to see of the honor (?) of such men as North and ave members were openly opposed to Lowley, and the substitute was de-

Then Porter offered the following to take the place of Sheridan's resolution. and it was adopted by a vote of 62 to 54:

#### Porter to the Rescue.

While the house was engaged in a general wrangle over the adoption of the resolutions Porter moved the following as a substitute "for the whole businees," as he termed it:
"I move to amend that a committee

of three members of the joint conven-tion one from each of the political parties represented in the legislature be chosen by their representative parties, be selected to employ attorneys and prosecute the cases of impeachment against the various state officers and exstate officers.

Porter then moved that the joint convention take a recess to 4 o'clock and caucus on a choice for members of the committee from each party. The motion carried and a recess was taken of twentyfive minutes. After recess the different parties announced their choice for members of the committe as follows: Republican, C. R. Colton; democrat, C. D. Casper; independent, P. H. Barry, and on motion of Woods they were made the unanimous choice of the convention.

The choice of Colton by the republican caucus showed conclusively where he stood, and vindicated the correctness of THE ALLIANCE-INDEPENDENT'S position

Each caucus also proposed the name of an attorney. The independents chose Greene and the democrats. Doane, The independents but the republicans discarded Pound and chose Lambertson. This again showed that they were playing into the hands of the accused officers.

The joint convention having completed its work, then adjourned without a day.

### MORE MPEACHMENTS.

A SECOND JOINT CONVENTION CALLED TO IMPEACH BENTON AND LEESE.

After it had been decided to impeach Hill, Allen, Humphray and Hastings, it occured to the minds of many members that the biggest boodler in the gang had e-caped. So the house committee on impeachment was instructed to look into the record of one Thomas consisted of Barry, Van Housen and Lockner all men of nerve and energy, and they went after Mr. Benton with telling effect. On Wednesday evening they reported to the house as follows:

To the House of Representatives of the State of Nebraska: Your committee on impeachment of certain state and ax-state officers would make the following report:

Owing to the shortness of time your committee has had in which to examine witnesses, the ground covered has necessarily been limited. Bufficient evidence has been taken, however, to indicate that ex-Auditor T. H. Benton knew that there were frauds and irregularities in vouchers from the insane asylum, at Lincoln, in regard to the purchase of coal and cattle for that institution, yet with this knowledge he continued to audit the same and draw warrants therefor.

That he in some instances exacted from persons holding elaims against the state a premise to pay him a certain part of the proceeds before he would audit them and draw his warrants on the treasurer, and this when the claims had been allowed by the logisla-

That he also compelled one at least of the employes in his office to divide money earned by said employe at work other than that done in the auditor's office and attempted to do the same thing in another instance.

There are other transactions that are peculiar, as in the admission of insurance companies to do business in this state and in

retusing permits to others.

In the case of the above official your committee would recommend that impeachment proceedings be instituted against him. The evidence taken accompanies this report.

P. H. BARRY.

J. E. VAN HOUSEN.

AUGUSTUS LOCKNER. The Resolution.

Resolved. That articles of impeachment be prepared and presented to the supreme court of this state for misdemeanor in office against Thomas H. Benton at-auditor of public accounts. The report was adopted and the sen-

ate notified. That body seemed remarkably slow in taking action on the matter. The coastitution only allows one house three days when notified that an impeachment resolution has been adopted by the other.

Friday, the third day, had come, and nothing had been heard from the senate. But finally near noon, the slience was broken by the announcement in Sergcant Belizer stenterian tones:

"The secretary of the senatel" The secretary advanced and read: "Mr. Speaker, I am directed by the senate to aform your honorable body that they have passed a resoution of impeachment against Willian Leese, and ask you to ux time for a joint convention to consider the same.

This created quite a breeze of excitoment. The arrangement was soon completed for a joint convention Fr day evening to consider the cases of both Beuton and Locae.

(Constaued on Third Page.)

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