

WANT TO AVOID IT

NATION'S HONOR VS. PEACE AT ANY PRICE.

THE SITUATION OUTLINED

THE PROBABLE ULTIMATUM TO SPAIN.

The President Very Cautious and If He Consents to the "Demands of Peace" Syndicate He Will Bitterly Disappoint the People.

Washington, D. C., March 15.—An interesting development Saturday was the effort of the "peace at any price" patriots to frighten the country by hinting that Spain might have the assistance of Austria or France or Germany or all these powers in case they decided that the noble Spaniards need a sound thrashing.

It looks as if the syndicate which Mr. McCook represents and Spain are working harmoniously to the end of averting war and securing either the purchase of Cuba outright at a cost of several millions or the guarantee of Spanish bonds to that amount. Nothing can be conceived of that would so quickly change the genuine admiration that congress now has for President McKinley into bitter contempt and opposition than the endorsement of the purchase scheme which Mr. McCook has been presenting so persistently.

It is said in navy circles that the Donaus' arrival in Havana need cause no surprise, as it is quite probable that all the European powers having interests and citizens in Cuba will send war vessels to protect their interests and subjects in case of conflict between Spain and the United States.

In diplomatic circles it is not thought that Austria will involve herself in this affair if for no other reason than to keep out of trouble she would create for herself at home. It is generally conceded that the European situation precludes aggressive interference on the part of any European government. The only question interest the European nations much more than does Cuba.

MCKINLEY SLOW TO ACT.

While the president's message to congress, in which the report of the court of inquiry on the Maine will be incorporated, is still expected either on Tuesday or Wednesday, there is some reason for believing that the issuance of this communication may be deferred until week after next.

The Minneapolis and Columbia may not be sufficiently advanced; the ammunition may not all have been purchased; the coast defenses may not be in entire readiness.

It may be readily seen that the president with his customary caution may wish every detail perfected before taking action.

A prominent member of the senate committee on foreign relations, who stands very close to the president and who had a long talk with the executive, outlined the situation, although he professed not to speak for the president himself.

For some time there has been a whisper that McKinley might couple with his demand for an indemnity a demand that the war be ended and that Cuba be evacuated. This senator intimates that something of this kind would be demanded of Spain. That demand would not, in all human probability, be complied with by Spain, and then the United States would be called upon to act.

THE ENTERING WEDGE.

McKinley, said the senator, will not send any message to congress until after the court of inquiry now engaged in investigating the cases of the destruction of the Maine, has made its report. As the report of this court shows that the ship was blown up from outside causes, Spain will be called upon for a money indemnity to repay the government for the loss of its vessel while in a friendly harbor and for the lives of the sailors whose lives have been lost.

In addition to this Spain will be told this "accident" shows that she is not able to maintain the peace on the island and that her power there has been lost. This will be the opening wedge for a demand that by Spain must end and the president will give a time limit, possibly forty-eight hours, within which this must take place. He will call attention to the great interference in the commerce of this country and the outrages perpetrated on the laws of God and man by the Spaniards in the prosecution of a war through methods which he will say cannot be countenanced by the United States government.

Spain will probably deny that she is engaged in an inhuman war. She will insist that she has the right to subdue her rebellious subjects in her own way and will, it is thought, refuse to pay the indemnity demanded and meet the other conditions that will be imposed.

Then will come the ultimatum of the United States, and that this ultimatum will be issued, this member of the committee said there was no possible doubt. It will not come until every other recourse has been exhausted. Postmaster General Gary told a southern supreme court judge that not until the president had exhausted every appeal to God and man would he countenance war, but that if those appeals availed not, he would then, with a full realization of his responsibility, enter into a war with Spain knowing that the God of nations would judge the cause of this country to be righteous and just.

If Spain absolutely refuses compliance with our demands this government will be required to act. The president has decided in that event to at once seize the island of Cuba, and take possession of the port of Havana and collect the revenues until the indemnity demanded is paid, when he will turn the island over to the Cuban republic, which will in the meantime be recognized through congressional enactment.

Fred W. Blair of Ravenna, O., is under arrest at New York City, charged with passing worthless paper. He is said to be a son of a prominent railroad official at Toledo, O.

The streets of London, placed end to end, would stretch right across the American continent from New York to San Francisco.

STRUCK A SNAG EARLY.

Senator Thurston's Hanna Club House Scheme Fails.

Omaha, Neb., March 15.—Some several weeks ago Senator John M. Thurston, with his characteristic word healing, legislative building, vulgar ideas of politics, proposed that there should be reproduced on the grounds of the Trans-Mississippi exposition President McKinley's Canton home. The idea was to revive and refresh the memories of the presidential campaign, to be a gold standard club house to distribute the Mark Hanna brand of political literature, etc. To the astonishment of decent-minded people, the exposition management entered into the scheme with a great deal of zeal.

To offset this political scheme the World-Herald suggested that the bi-metallicists reproduce Mr. Bryan's cottage home at Lincoln on the grounds.

To this proposition came prompt and substantial responses from all parts of the United States. However, all the time the political party machinery it was necessary to get mixed up in one of Thurston's dirty schemes.

WILL NOW BE ABANDONED.

But now, either because of recovering their sober senses or because of fright, the following telegram has been received:

"Canton, O., March 12.—The McKinley homestead will not be reproduced on the Trans-Mississippi grounds. The plan was suggested by Senator Thurston and taken up by other politicians as a clever campaign move. That it was exclusively a political idea is a well corroborated fact. Although the pretense was made that the scheme was to 'display Canton's manufactures and products,' as well as campaign souvenirs, the business men of this city were not consulted until the machinery was set in motion and the plan had been announced outside. The McKinley homestead at Canton has been asked to give its official sanction to the scheme, but so far the board has failed to act. Since it has been proposed that the Bryan homestead be also reproduced, the politicians back of Thurston's proposition have concluded that it will not be wise to inject politics into a Trans-Mississippi exposition, and the indications are that the Thurston plan has been tipped in the bud."

The indications now are that on account of the surrender of the Thurston homestead the plan to reproduce Mr. Bryan's cottage on the exposition grounds will be abandoned. Officers and members of the committee organized in Omaha on Friday are unanimous in the declaration that they have no desire to inject any political feature into the exposition and that if it shall develop that the Thurston project has in fact been abandoned that the Lincoln cottage plan will be promptly disposed of. One of the members of the committee on being shown a copy of the Canton dispatch said that the committee would withdraw its application for space as soon as it received complete assurance that the Thurston scheme has been abandoned.

The World-Herald, therefore, suggests that the collection of politics be discontinued until further notice.

A VERY GOOD DAY'S WORK.

The Nebraska Delegation Keeps Everlastingly at It.

Washington, D. C., March 15.—While Friday last was rather a quiet day with Senator Allen, he managed to kill the time by going early in the morning to call on General Miles and together they went to Secretary Alger. After a full explanation to these officials the senator secured an order for a summer camp of soldiers near Sheridan, Wyo., for the protection of that city and vicinity. Returning to the senate after which he went to Columbia college where he made a speech, by request, before the Pure Food congress, and got them to agree to hold their next meeting at Omaha during the interstate exposition. On again returning to the senate he introduced a bill granting the Fort Sidney reservation, consisting of 640 acres, together with all buildings and other improvements, to the state of Nebraska, providing that within two years from the passage of the act the state erect a suitable building or buildings for a state normal school or industrial school, and also providing that when it shall cease to be used for educational purposes that it shall revert back to the government. The senator has since then secured a favorable report by the committee on his bill and it will no doubt become a law.

Congressman Sutherland of the Fifth district introduced a bill for the relief of Josephus Merritt of Grand Island, also one to correct the military record of John Minahan of Oak, one to the relief of Austin G. Jacobs of Edgar. He also presented a petition signed by W. A. Pearman and 140 others of Fairfield for the passage of a law prohibiting the sale of intoxicating liquors in the capitol building.

Among the pension claims recently secured through the efforts of Congressman Sutherland are the following: Samuel West, Red Oak, \$17; Isaac N. Morris, Norman, \$12; H. B. Reed, Angus, \$12; Clinton Davis, Howard, \$12; Christian Grommer, Atlanta, \$10; Elias Prear, Republican City, \$5; A. H. Bell, Indianola, \$6; Robert Lennox Frank, \$6.

Senator Allen presented a petition signed by 18,000 railroad employees of Pennsylvania, asking the senate to pass a bill introduced by Senator Allen to prevent writs of injunction against labor organizations.

The free homes bill was defeated by the republican leaders and another plank of the St. Louis platform is admitted to have been a fraud put there to catch votes.

Senator Allen's friends in Nebraska will be glad to know that his course in the senate is not approved of by the New York Sun. It will not be long until the senator, like another distinguished citizen, will be loved because of the enemies he has made.

Bryan's Ovation at Athens.

Athens, Ga., March 15.—When Mr. Bryan arrived here Saturday at 1 o'clock he was greeted by the shouts of some 4,500 enthusiastic admirers and the music of brass bands.

The mayor, city council, students of the University of Georgia and bands escorted him to the hotel. At 2:30 he addressed an appreciative audience of about 8,000 people on the campus of the university.

AS TO INNOCENTS

ATTORNEY-GENERAL SMYTH MAKES A STATEMENT.

LEAVES FROM THE RECORD

THE SAME OLD GANG AGAIN UNEARTHED.

Discussing Question of Who Are the "Quilty Ones" and Who Are "Innocent Ones" Proves One as Deep in the Mire as the Other is in the Mud.

Lincoln, Neb., March 14.—The B. & M. Journal of this city is the leader of the republican press of the Nebraska in approving of the very queer decision of the jury wherein they returned a verdict in favor of ex-State Treasurer Bartley's bondsmen.

That the whole state of Nebraska believes that Bartley did not pocket all of the half million dollars of state money that was stolen, nor that C. W. Mosier juggled all the quarter million dollars which slipped through the busted Capital National bank a few years ago, goes without saying.

A gang of cold-blooded thieves, composed of prominent men in banking and political circles entrenched behind the republican machine of the state and the ones who have planned and carried out the great crimes against the state.

Along this line it is interesting to read the following, which Attorney General Smyth has given out to the press:

My attention has been called to an interview published in the editorial columns of last Saturday's issue of the State Journal, criticising my official conduct. In that interview there are two statements to which I desire to make a brief reply.

Speaking of the petition filed in the suit against the Omaha national bank, the author of the interview says: "It appears to have been carefully and skillfully drawn so as to fail, if possible, to state a cause of action."

He who wrote the interview is, in my opinion, a member of the bar. One who has the honor to believe I would have any difficulty in naming him if I were called upon to do so. Being a lawyer he ought to be familiar with the decisions of the supreme court, but it appears that he is not, or else he knowingly misstates the fact with respect to the law governing the petition in the question. That petition was drawn on lines of a recent decision of the supreme court, well considered and carefully written. The petition, too, is in conformity with a case the syllabus of which was published for the first time in the issue of the Journal containing the interview.

The other statement to which I desire to call attention is this: "The jury declined to be parties to the robbing of innocent men for the exonerating of the guilty ones."

The context shows that the "guilty ones" referred to are the officers of the Omaha National bank. In the suit against the bondsmen the question of guilt or innocence was not involved. The question at issue was simply one of contract. But if guilt or innocence is to have any effect in determining due it was forwarded to the Omaha National bank for the bondsmen let us see who are the guilty and who are the innocent ones. The facts must do the talking. I give them from the record in the Bartley criminal trial.

LEAVES FROM THE RECORD.

Bartley sold the much discussed warrant to the Chemical National bank of New York. When the warrant became due it was forwarded to the Omaha National bank to be, by that institution, collected from the state. On January 2, 1897, Bartley paid the warrant and that same day the amount thereof was remitted or credited to the Chemical National bank. The only connection that the Omaha National bank had with the transaction was that of collector, for which it was paid a commission. That, however, does not affect the bank's liability. The bank is, in my judgment, liable under the decisions of the supreme court.

Glance now for a moment at the connection of the "innocent" bondsmen with this same warrant transaction. On April 25, 1895, the Chemical National bank of New York remitted to Bartley \$180,101.75 in payment of the warrant, and the same was, at the direction of Bartley, placed to his personal account in the Omaha bank. At different dates thereafter during the year 1895 Bartley deposited sums to the credit of the same account. The total sum thus deposited was about \$354,000. What became of that sum? It was disposed of in part as follows:

- May 4, to Brown, cashier Columbia National bank, \$10,000.
 - June 12, to Brown, cashier Columbia National bank, \$10,000.
 - This makes \$20,000 that went to Mr. Brown, one of the "innocents."
 - May 4, to Cook, cashier First National bank, Lincoln, \$50,000.
 - May 23, to Cook, cashier First National bank, Lincoln, \$10,000.
 - July 27, First National bank of Lincoln, \$3,000.
 - July 30, First National bank of Lincoln, \$10,000.
 - August 10, First National bank of Lincoln, \$10,000.
 - August 24, First National bank of Lincoln, \$10,000.
 - September 10, First National bank of Lincoln, \$10,000.
 - September 24, First National bank of Lincoln, \$20,000.
 - October 3, First National bank of Lincoln, \$10,000.
 - November 19, First National bank of Lincoln, \$10,000.
 - November 21, First National bank of Lincoln, \$25,000.
 - November 22, First National bank of Lincoln, \$1,500.
 - December 5, First National bank of Lincoln, \$10,000.
 - December 17, First National bank of Lincoln, \$20,000.
- The total amount received by the First National bank of Lincoln, out of the fund of which the \$180,101.75 was a part, is, as shown by the foregoing figures, \$279,500.

NOT A STATE DEPOSITORY.

At the time this money went into the First National bank of Lincoln that bank was not a state depository. The attorneys for the bondsmen in the first trial as well as in the one concluded a few days ago charged with much vehemence that when Bartley at the close of his first term exhibited certificates of deposit showing that he had state money on deposit in banks which were not state depositories, he, by the exhibition of these certificates, presented the evidence of his guilt as an embezzler of state funds. The truth of that charge I then denied, as I do now, but if I am in error and the attorneys for the bondsmen are right, then it follows inevitably that Bartley was guilty of embezzlement by making deposits in unauthorized banks, such as the First National bank, then the officers of that bank who aided, advised or in any manner assisted in the making of the deposits are guilty of embezzlement. If the principle of the Mills case makes the officers of the Omaha bank criminally liable, as the learned contributor to the Journal contends, then where stand those who were the officers of the First National bank of Lincoln, when it received the deposits above referred to? Let the candid reader decide for himself.

PRESIDENT'S ADMISSION.

In the Bartley criminal trial the then president of the First National bank of Lincoln testified substantially that he, as president of that bank, had a transaction with Bartley which virtually amounted to a sale of some securities of the bank for which Bartley paid with state funds. Is this evidence of innocence? Five of those who were officers of the First National bank at that time are on the stand. How many "innocent men." Whether they are or are not I express no opinion, I simply state the facts in answer to the plea made in their behalf. But if the attorneys for the bondsmen are correct in their claim that Bartley in depositing school money in unauthorized banks, thereby committed the crime of embezzlement the grand jury now in session in Lincoln has a duty to perform in connection with the officers of such banks as were not authorized to receive state funds, but did so.

The grand jury is advised that the receiving of such deposits or the making thereof constitute a crime against the laws of the state then the investigation may discover a smell of burned wool in the air that will justify the are found in odd places sometimes.

THE MURDER OF THE MINERS.

Jury Returns a Verdict of Not Guilty For Sheriff Martin.

Wilkesbarre, Pa., March 14.—The jury in the case of Sheriff Martin and his deputies for shooting of strikers at Latimer on September 10 returned a verdict of not guilty.

Long before the time for court to convene there was a big crowd waiting to gain admittance to the court room, and when the doors were thrown open there was a wild rush, but only a limited number were admitted. Judge Woodward did not take his seat on the bench until five minutes after 10 o'clock, the jury coming in a few minutes later. Not a juror had taken their seats the roll was called, each man answering to his name.

The clerk then asked: "Gentlemen of the jury, have you agreed upon a verdict?"

The foreman replied: "We have," at the same time handing the clerk the written verdict, which was promptly passed to Judge Woodward. After reading the verdict, the judge returned the paper to the clerk. The latter, addressing the jury, said:

"Gentlemen, your verdict in the case of the homicide of miners James Martin et al is not guilty, so say you all."

"We do," was the reply.

The jury was then polled and each juror answered not guilty as his name was called. There was an attempt at applause but it was quickly suppressed by the judge.

When the jury retired they took only one ballot, and it was unanimous for acquittal. It is said the jury was prepared for a verdict before leaving the box. After the jury had been thanked and discharged by Judge Woodward, District Attorney Martin asked that the defendants be required to continue their bail bond, as there are still seventeen indictments for murder hanging over them and thirty-eight for feloniously wounding. The bond was continued as requested. District Attorney Martin said he has not decided what to do with these other cases. The prosecuting committee, it is said, will insist upon further prosecution.

A JACKSONIAN COMPANY.

There are a Lot of Fighting Americans in Omaha.

Omaha, Neb., March 15.—At a big meeting of the Jacksonian club Saturday night Deputy Attorney General Ed P. Smith introduced the following resolution, which was adopted in true Jacksonian spirit:

"Resolved, That the president of the Jacksonian club of Nebraska be authorized to tender to the governor of the state the services of enough members of this club to form at least one military company to serve as privates, if needed, to preserve the honor and dignity of our country and its institutions, and the president of the club is authorized to receive the names of such members as are willing to volunteer for that service."

It was decided to celebrate the anniversary of Jefferson April 13, and the executive committee was instructed to make the necessary arrangements, which will be in the nature of a reception at the club rooms. Many prominent speakers will be in attendance.

The general topic discussed at last night's meeting was "The Constitutional Jurisdiction of Federal Courts," the discussion being led by W. S. Shoemaker, who was followed by I. J. Dunn and others, and the subject was continued until March 26, when the proposed bankruptcy law will also be taken up.

In the contest for the American Whist league trophy at Minneapolis, Minn., Chicago won by six points, scoring 156 in first half against 153 and in the second half 153 against 153.

PUBLIC MORALS OUTRAGED.

THE RECENT COURT DECISIONS AGAINST THE PEOPLE.

The Attempt to Unload the Sins of the Old Republican Gang of State House Looters On to Governor Holcomb.

Omaha, March 15.—There are a number of people who have not yet recovered from the shock which they sustained by reason of the decision of the jury in the case of the state of Nebraska against the bondsmen of ex-State Treasurer Bartley. Omaha people are still wondering in what manner the "country districts" will look upon such a scandalous miscarriage of justice. They are puzzled to know how much credence the men on the farms will give to the assertions by the attorneys of Mr. Bartley and his bondsmen, that, after all, Governor Silas A. Holcomb is the real criminal and that Mr. Bartley and other men who have been known for years to constitute the "country districts" are innocent. They are asking organization for the purpose of feasting and fattening on state moneys, are much abused and innocent men.

Within the past few years, the country districts have shown that when once aroused to the necessity of looking after their own interests, they are not hampered by their own ideas and accurate conception of their duties, but they have the courage of their convictions and the power to execute their demands. Hence it is that we find the men of the cities anxious to know just how such court decisions as handed down in the Eugene case and the Bartley bondsmen case and the maximum freight rate case, all of which so vitally affect the general interests of the entire commonwealth, will be viewed by the country people. Even some republicans, who are inclined to be a little broad-minded than others, are wondering how long the interests and morals of the public can be so wantonly outraged and at the same time hold the masses of the republicans strictly up to party lines.

Before the bar of public opinion, in the matter of the trial of Bartley's bondsmen, to recover the \$55,790.66 which was made away with while acting as state treasurer, the guilt or innocence of all of these men of being parties to the crime of theft, was more or less on trial. That it has been the practice, prior to the change in the Nebraska state administration, to farm out, to speculate with and to use for private purposes, the money of the state, is a fact firmly established in the minds of the people. But this particular suit, wherein Attorney General Smyth sued the bondsmen of ex-State Treasurer Bartley for recovery of the sum of money to the state, the question only of liability to make good the shortage was before the court. To determine this self-evident proposition, the case has been twice tried and twice lost by the state. The first defeat was brought about by the rank-and-file politician, Judge; the second defeat was the fault of an ignorant and corrupt jury.

The supreme court, in the criminal trial against Mr. Bartley, said there no controversy as to the facts; they held that he was state treasurer from 1895 to 1897; that, as state treasurer, he had the right to receive the state money to the state, the question only of liability to make good the shortage was before the court. To determine this self-evident proposition, the case has been twice tried and twice lost by the state. The first defeat was brought about by the rank-and-file politician, Judge; the second defeat was the fault of an ignorant and corrupt jury.

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Simultaneously with the commencement of the criminal case against the ex-treasurer, Attorney General Smyth brought suit in behalf of the state, against his bondsmen, to recover the \$55,790.66. The purpose of an official bond is to protect the state against the wrongdoing of the officer. The law plainly holds the bondsmen liable for the principal default. If the principal embezzles from the state, the law imposes upon his bondsmen the plain duty of making the state whole. Here is where the lawyers get in their fine work. Having no case, they must abuse somebody to distract attention from their clients. In this case, their choice was Governor Holcomb. He had to be made the scapegoat; they would not let Bartley's sins upon him and let him carry them into the wilderness of despair and leave their client spotless and guiltless.

Bartley's first term ended January 2, 1895. He succeeded himself on the 3d inst., according to these legal luminaries, and his bond must have been approved by the Governor on that day. Since it was not approved until the 9th they say that the office became vacant; that Bartley was not state treasurer and that he did not, therefore, embezzle state money. They thought if Eugene Moore could work that sort of flim flam with his short legs, they ought to do it with their long ones. They said that the governor was not entitled to take time to investigate the bond—he must accept it when presented to him, whether it was good, bad or indifferent. Because he took time and insisted upon other signatures, they allege that the office became vacant and the bond void. That was their first point.

The second was that the governor should have seen Bartley count out the money and show him the property of the treasury at the time he approved his bond, and because that was not done the bondsmen are not liable. They begged over these points for many weeks. Judge Powell now came to the front and reversed himself. He had heard the mighty rushing wind, and being a timid man with political aspirations of his own, he got in.

He instructed the jury that if Bartley did not account to his successor for all state moneys coming into his hands,

the bondsmen were liable; that the bond was a valid and subsisting instrument; that Bartley had no right, as state treasurer to transfer to the Omaha National bank or anyone else the title to that \$180,101.75 warrant, nor to lay same out of the state's money. The bondsmen asked for an instruction that if the bond was not approved until January 9, 1895, the bond was void; but Judge Powell instructed that it was valid. That instruction refused to instruct the jury that if Bartley held the certificates of deposits, checks and other evidences of the deposit of state funds in banks on January 2d, 1895, and turned them over to himself as his own successor, his bondsmen were liable. Judge Powell and the supreme court expected that if Bartley's bond was approved on the 3d, which was refused. They asked for an instruction that they were not liable unless Bartley produced the actual funds and property before the bond was approved. This instruction was refused, and in its stead the jury was instructed that if Bartley held the certificates of deposits, checks and other evidences of the deposit of state funds in banks on January 2d, 1895, and turned them over to himself as his own successor, his bondsmen were liable. Judge Powell and the supreme court expected that if Bartley's bond was approved on the 3d, which was refused. They asked for an instruction that they were not liable unless Bartley produced the actual funds and property before the bond was approved. This instruction was refused, and in its stead the jury was instructed that if Bartley held the certificates of deposits, checks and other evidences of the deposit of state funds in banks on January 2d, 1895, and turned them over to himself as his own successor, his bondsmen were liable. Judge Powell and the supreme court expected that if Bartley's bond was approved on the 3d, which was refused. 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