

THE NEBRASKA INDEPENDENT

Consolidation of "THE WEALTH MAKERS" and "LINCOLN INDEPENDENT."

PUBLISHED EVERY THURSDAY BY The Independent Publishing Co., 1120 N. STREET, LINCOLN, NEBRASKA.

TELEPHONE, 538.

\$1.00 PER YEAR IN ADVANCE.

Address all communications to, and make all drafts, money orders, etc., payable to THE INDEPENDENT PUB. CO., LINCOLN, NEB.

For Supreme Judge—JOHN J. SULLIVAN, Columbus For Regents—E. VON FORELL, Kearney, GEORGE F. KENOWEL, Winnebago.

How to vote. See page 7.

Good rains in Nebraska. Winter wheat in excellent condition. Continued prosperity for the tree planter's state.

If you wish to know something of Henry George read the interview by A. Mauries Low for the London Chronicle published on page 6.

Did you ever think of it—some of the men who signed Bartley's bond had more property in their own name at that time than they have now?

Why is it that the price of wheat raised in free trade Canada and all other countries fully as much as it did in the Dingley bill protected United States? Think the Dingley bill did it?

We call the special attention of our readers to the sample ballot, together with the instructions to voters and general election laws which we publish on page 7. Voters should thoroughly post themselves before going to vote.

Is Hazleton forgotten? No arrests have been made. Are we under military rule? Suppose a crowd of mine owners had been fired upon by deputies hired by the miners, would this have been true then? Who dares say yes?

If Judge A. M. Post is reelected what do you suppose will be done with Bartley and Moore? Is it not reasonable to suppose that he will follow the same course he did with the asylum thieves and turn them both loose?

Put your X in the circle beneath the cottage home emblem and help to demonstrate that the populist party is greater than the democrats and silver republicans combined. Get out and be counted on election day.

Treasurer Meserve continues to buy general fund warrants for the state school fund. The board of school lands and funds have just granted him permission to invest \$75,000 more from the permanent school fund.

The government crop report for October referring to the averages of condition in the principal crop states places them as follows: Pennsylvania 82, Indiana 76, Illinois 81, Iowa 74, Missouri 70, Kansas 58 and Nebraska 86. Nebraska leads them all.

Do you want Bartley and Moore to escape unpunished for their stealing? If you do, vote to put the man who liberated the asylum thieves back on the bench. As a member of the court Judge Post "censured" the thieves but did not find them guilty of stealing. Do you want Moore and Bartley "censured" or punished? Which?

The farmers who ship stock to the Omaha stock yards are denied the benefits of the law reducing the price charged for yardage, grain and feed, passed by the last legislature. Judge Manger has granted an injunction against its enforcement. What do the farmers think of injunction made law? Will they vote the republican ticket and thereby endorse such flagrant abuses of judicial authority.

Populists in every part of the state are urged to send us short statements on postal card or letter, giving the condition of the party in their respective sections. Such information is especially encouraging to reform workers. We are anxious to receive reports from club meetings, mass meetings, precinct meetings, etc. Don't fail to drop us a postal telling us of the news in your locality. Make the article short.

The October crop report issued by Secretary of Agriculture James Wilson estimates the foreign shortage in wheat production at 303,000,000 bushels.

The same authority estimates the shortage in the 1996 crop at 98,039,000 bushels as compared with the 1895 crop.

The report also says: "The markets of Europe will apparently be very inadequately supplied with good clear barley suitable for malting purposes," and that "the European potato crop is apparently a short one, and the fruit crop is also deficient."

Will the republican papers please explain how it is that with reports like the above being issued by the government statisticians, the grain market is on the "down grade."

THE FARMERS' UNIVERSITY. The history of the Agricultural College of the University of Nebraska would be interesting reading to the farmers of the state, but it would be extremely difficult to write. The major part of the income of the University belongs to the Agricultural College, and yet the work in agriculture has been slighted by every republican Board of Regents since the school was organized. This college is now a greater failure than it was in the early days of its life when it received some little recognition and accomplished something for the paltry sums spent upon it. In the early days it at least had some students to show that it deserved support.

In the beginning there was a professor of agriculture, and about 1874 the catalogue shows there were fifteen students in that department, while there were only a few over a hundred students in all other lines of work. About one student in nine was in the Agricultural College. There were at that time six professors in the entire University, and one of the six was professor of agriculture. About 1882 the number of professors had doubled and there were two professors in the College of Agriculture. The students in the entire University numbered about 280 and twenty-one of these were in the College of Agriculture. This was in Fairfield's administration and it marks the highest point attained by agricultural instruction in this state. Henceforth the number of students in the University slowly increases, but the students in agriculture become fewer. In 1887 there were nearly 400 students in school, but only fourteen in agriculture.

About this time it was seen that the management could not make a showing in the only industry which had any existence in the state, and it was recognized that some kind of a showing must be made. By a single stroke of genius and a pen they changed the name of the Agricultural College to Industrial College and transferred all the departments of pure science to the said Industrial College. The very next year out of 450 students the "Industrial College" counted fifty-seven, but there were fewer in agriculture than before. For some years the enrollment in the "Industrial College" increases faster than in the other departments of the University and the problem seemed to be solved. It served a very good purpose with several legislatures. "Industrial education" sounds well. True, other schools call the same courses of study the "scientific course," but where there is a need there is a way.

Cannfield saw the futility of this subterfuge and immediately set about organizing the College of Agriculture and the Mechanic Arts. During the first years of his administration more money was spent on purely industrial education than in any previous years. But even Cannfield could not solve the agricultural problem and he gradually emphasized more and more certain lines of technical education which have no connection, or only a remote connection, with agriculture.

The present administration tries to direct attention away from the complete failure of agricultural instruction in this state by beating tom toms and erecting scare crows and other shams. It is hoped that the noise raised over the "School of Agriculture," the "Sugar School," the "Mechanic Arts School" will direct attention away from the breach of trust. Will the farmers inquire into their purpose and aim? Let us take the Sugar School as an example. The Calendar of the University of Nebraska for the year 1896-1897 gives the faculty of the "Nebraska Sugar School" as consisting of the chancellor and nine professors. "The objects of the school are to give instruction in the best methods of sugar beet culture and in the details of factory methods of sugar making." The young men who take this course are supposed to be qualified for positions in the sugar factories at Grand Island and Norfolk. These factories usually employ two or three men each for about three months in the year. Surely a chancellor and nine professors ought to be able to supply this demand of the state for the training of skilled labor, if the farmers will only be patient and not expect too much.

But it is asked, "How many students now study agriculture?" The catalogues of recent years do not give this information. All students of the "Industrial College" are lumped together. For the last five years the graduating classes of the University have numbered on the average about sixty persons, while the graduates in agriculture and its allied subjects have not averaged one per year. The ratio of one in nine has dropped to less than one in fifty. Probably ten times as many students are studying electrical engineering as are studying agriculture. The farmers will soon have an electrical engineer on each quarter section. There is a great demand for them on the farms of this state to keep the door bells in order and during thunder storms to show the lightning how to reach the ground by way of the lightning rod instead of along the farmer's spinal column. If the farmers will continue their faith for another twenty-five years everything will come out all right. By that time the endowment of the Agricultural College may be transferred to the School of Fine Arts and there will be no cause for complaint.

It may be a question whether agriculture can be taught in a college. This much we grant. But common decency

requires that trust funds should be used for the purpose for which they were granted or else surrendered to the grantor. We can teach anything we know. If we don't know anything about agriculture, we could use this endowment for purposes of investigation and teach the results as fast as we obtain them. If the farmers of Nebraska demand results instead of resting content with talk and promises, they may soon have as good an experimental school as any state possesses. They must first elect a Board that will put a practical man at the head, a Board that has other aspirations and other experiences than shaving notes and serving railroad corporations.

PREPARING FOR MORE INJUNCTION. The street car corporations in the great cities have originated a brilliant idea. It is the result of the threatened strike of the street car employes in the city of Chicago. The plan is to get permission from the postoffice department to put a mail box upon each of their street cars for the accommodation of the public. Parties who desire can mail their letters in the mail boxes on the cars and at the central point in the city a government mail clerk would collect the letters and take them to the post office. The street car company would be at no expense whatever. The government is to furnish the mail boxes and attach them to the cars, and of course a government employe must collect the mail to deliver it to the office. This is very kind of the street car corporations. Their only object in the matter, however, is to enable them to call to their assistance the federal judiciary in case of a strike and have wholesale arrests made to "prevent interference with the government mail in transit." Injunction is a great blessing—for those who are in a position to use it.

KNOWS AND KULCHAH. It is said that one of the former professors was kicked out of the University by a cow, not that the cow had any evil intentions, but the professor was unlucky enough to think that he could teach the youth of Nebraska and look after a cow at the same time. This might be possible in Arizona or "Arkansas" but in Boston cows and culture are attended to by different kinds of people. The racket raised by the authorities so alarmed the cow that the professor was forthwith kicked out of the school. The motto of the present University management was recently copied word for word from the brow of the administration. "Talk about the dignity of labor; talk about the knights of toil; talk about practical education; talk about agriculture and dairying; and love for the farmers, but don't let your hands know what your mouth is saying."

In the last few years the opinion has become current that the state university is getting further away from the plain people who support it. The head of the university is himself an aristocrat who has said that young men having to earn their way through school should not perform manual labor, but should use their brains to supply their needs. Further directions were not given. The average expenses of students are increasing on account of the tone of the society circles which have grown up in late years. The democratic spirit of Cannfield's administration is rapidly disappearing. The farmer boy is already ill at ease and unless his "awkwardness" is accompanied by unusual talents he is soon discouraged. It is next to impossible for him to pursue the agricultural course of study in the present atmosphere hence there are now fewer students in that department than there were fifteen years ago.

Our state university needs more common sense in its management. A western school must be western in spirit. Its faculty should be chiefly western men and women. At present only about one man in ten in the faculty of the university received a part of his early education in Nebraska. Give us a home school. Stand up for Nebraska.

The success of our candidates for regents this fall will give us a board of three fusionists and three republicans. If the opposition should win, they would have five to our one. After twenty-five years of republican rule, and in view of the widespread belief that politics has entered into the management of our state university it is not likely that the people will run the risk of placing five republicans on a board of six regents. Ordinary business instinct would suggest that the board of regents should be non-partisan. An equal share in the management is the nearest to a non-partisan board which we can attain under our present laws.

The managers of the Trans-Mississippi Exposition should not fail to have among the exhibits a display of all of the products that can be made from corn and our other staple products. Different preparations of corn for cooking purposes and the manner of cooking should be thoroughly tested. It would increase the use and demand for corn and create a better market for the crop. Eastern people and particularly foreigners would find such an exhibit very interesting and profitable. It would be a practical advertisement for the products of Nebraska.

INJUNCTIONS. There is a rule among attorneys and judges that in interpreting a statute or constitutional provision the "intent" of the law making body shall govern. The language used will be construed in its usual meaning.

If judges would keep this rule in mind, injunction orders would not be so common. The judicial injunction is an extraordinary power vested in judicial officers to be used only in extraordinary cases. It was intended as an extreme measure to be used in cases of emergency. It is a power given to the judiciary similar in all respects to the pardoning power vested in the governor as the chief executive officer. No one would attempt to defend or justify the acts of a governor in the wholesale use of the extraordinary power of pardon. The pardoning and commuting power is given to the governor to be used in extraordinary cases. For example, after a man has been tried and convicted of the crime of murder and the court passes the death sentence. The power to pardon or commute that sentence rests with the governor, but it was not the intention that he should exercise that authority except new evidence showing or tending to show that the condemned man was innocent is brought to light after the trial and before the execution. The pardoning power is designed to prevent the possibility of the commission of a legal crime by the execution or punishment of an innocent man.

In a similar manner the judicial injunction is a power placed in the hands of judicial officers to be used discreetly and cautiously in extreme cases to prevent the wanton destruction of life or property. Its use to prevent the enforcement of a just and equitable act passed by the legislature is an abuse of the right that should not be tolerated. It is an encroachment by the judicial department upon the rights of the legislative department. It is not the duty of a judge to say whether a law is just, right, and equitable or not. It is his duty to say what the law is, to say what the "intent" of the legislature or law making body was when it made the law.

We have an excellent example of judicial legislation in the recent injunction to prevent the enforcement of the law regulating charges for yardage, grain, and feed at the South Omaha stock yards. It was a usurpation of authority when a judge prevented the enforcement of that law. It was the duty of the judicial officers to determine what the law was. When they had done that their authority ended. It then became the duty of the executive department to put the law into execution.

There was no emergency in the case that warranted the use of the judicial injunction. By the court made law the farmers of Nebraska are deprived of the benefits of one of the best laws ever passed by a legislature. Will the farmers of Nebraska endorse such action by voting for a political party that defends judges in acts of that kind? We think not.

Something of the difference in the expense accounts charged to the state by republican officials and that charged by populist officials can be found in the bills presented by the members of the board of public lands and buildings. The following table shows the amounts paid to the several officers named as, traveling expenses:

Table with columns for years (1891-2, 1893-4, 1895-6, 1897-Sept. 1) and names of officials (A. R. Humphrey, J. C. Allen, J. E. Hill, G. H. Hastings, J. C. Allen, J. S. Bartley, H. C. Russell, J. A. Piper, A. S. Churchill, J. V. Wolfe, W. F. Porter, C. J. Smyth, J. B. Meserve) and their respective amounts.

If you believe in rigid economy in the conduct of the business of the state vote the populist ticket; put your X in the circle beneath the cottage home emblem.

A report sent out by the United States government agricultural experiment station concerning the bee industry, shows that Nebraska is as well adapted to the bee and honey industry as any state in the west. Very rarely has the climatic conditions in this state been such as to destroy any considerable percentage of the bees. It is an industry that should be studied more carefully by our farmers. Properly conducted there is money to be made in bee culture and honey making. It is a greater diversity of products that the state needs.

Treasurer Meserve has issued a call for \$30,000 more of general fund warrants. He does not allow the state funds to accumulate in his hands. He keeps it moving paying the state's debts and saving interest payments to the taxpayers. Meserve is the right kind of a treasurer. He is a populist from live Wiltou county.

The republican press of the state has made an awful discovery. They claim it would be impossible to recover \$3,000,000 from the signers of Treasurer Meserve's bond. Don't worry, gentlemen, there never will be any occasion to recover from Meserve's bondsmen.

There never was a better bond given in the state of Nebraska than the one given by J. B. Meserve. The bond is good for four times the amount of state money he has ever had on hand. The course pursued by Mr. Meserve in taking the state's money to pay the state's debt's makes a large bond unnecessary for the reason that a large sum of money is never allowed to accumulate. Nor is this all, the state's money would be safer in J. B. Meserve's hands without any bond than it would be in the hands of Joe Bartley secured with a \$10,000,000 bond.

Read the record of land commissioners Humphrey and Russell as given in the report of the legislative investigating committee published on our first page. Compare it with the present economical and businesslike management of the land commissioners office and decide whether the election of populist officers has been a "blight" upon the state. Read the record of the present officials and compare it with the records of ex-republican officials and decide whether it would not be a good plan to carry the reform into all departments of the state, the judicial as well as the executive and legislative branches. If you think the reforms brought about by the present officials have been good for the state show your appreciation by putting your X in the circle beneath the cottage home.

Mr. J. H. Edmisten, the chairman of populist state central committee, has conducted an excellent campaign. As a result of his management the party in Nebraska is thoroughly organized and while there has been a lack of fireworks, brass bands and parades, there will not be a lack of voters on election day. Reports from nearly all counties indicate that Judge John J. Sullivan will be elected by a majority not less than 12,000. With the present blanket ballot the candidates for regent will receive about the same vote.

With the ballot as complicated as at present it is dangerous to attempt to "scratch." If you wish to be sure and have your vote counted put your X in the circle beneath the cottage home and do not mark anywhere else. If you are determined to scratch read the law carefully and be sure you are right and then go ahead.

Read Gov. Holcomb's statement concerning the Bartley bond, published on our first page. It is a complete refutation of the slanderous charges against the governor made by the republican party press.

DEFEATED BY INJUNCTION

The Will of the People as Expressed by the Legislature set at Naught.

For many years the people of Nebraska have suffered the extortionate charges made by the South Omaha Stock Yards Company for yardage, grain and feed. The present rates are:

Table with columns for items (Corn, Hay, Cattle, Calves, Hogs, Sheep) and their respective prices per bushel, 100 lbs, per head, yardage, etc.

The last legislature passed a law fixing the maximum charges that could be made as follows:

My language has been distorted and I have been charged with saying that the law requiring the accounting was a farce and a sham. I have uttered no such sentiment. I have said that to give the law a construction which would permit the state treasurer to go to the bank of Lincoln and Omaha and temporarily secure cash equal to the amount he was chargeable with and exhibit return it to the banks from which it was obtained, would be a farce and a sham and would throw absolutely no light upon the condition of the treasury, though no such accounting had been. It is a fact known to many that county treasurers have made settlements by securing temporarily the cash neces-

BY GOV. HOLCOMB.

(Continued From First Page.)

the same category as those who will stoop to falsehood and vilification as the proper method of discussing public questions. Those parties will be careful to say nothing in their defamatory circulars about the attorney general and the court offering to allow and permitting the defendants to prove any shortage during Mr. Bartley's first term, nor of the defendant's refusal to offer one iota of evidence that such was the case. How many, how fair, how honorable are such methods? What will honest people think of such treacherous and unreliable methods of conducting a campaign?

It was first asserted that I had been negligent in my duty in not requiring the state treasurer to account for the funds in his possession at the beginning of his second term of office. Afterwards, when it was ascertained that such charge was utterly unfounded and could not be supported in truth, the allegation was made that the treasurer was a defaulter at that time and that I had knowledge of that fact. Since this palpable falsehood has been refuted, it is now, as a dernier resort, publicly proclaimed that the manner of the accounting by the state treasurer was not such as the law required and was, therefore, illegal. I wish to examine into this phase of the question very briefly. In the first place I would have distinctly understood that no responsibility can attach to me in any manner, for whatever was done or failed to be done in the office of the state treasurer prior to January 3, 1895, at the time when I entered upon the active duties of my position. Whatever condition existed then and prior to that time was occasioned by the policy of the administration of state affairs by the republican party and their representatives, who had held almost uninterrupted control since the organization of the state, and who had up to that time and since proclaimed through the press and upon the stump that their management of the state's affairs was honest, economic, straightforward, and in the interest of the people.

After being inducted into office and ascertaining that the state treasurer had not qualified under my predecessor and that the duty devolved upon me, I immediately set to work cautiously and carefully to discharge my duty in the matter of the qualification of the treasurer for his second term of office. Not only did I consider it carefully but I also conceived it to be my duty to ascertain the true condition of the state treasury and secure an accounting of the funds chargeable to the state treasurer in order to comply with the spirit of the law. I think I can safely say that never before in the history of the state had such an accounting been made—certainly not to my knowledge. Bear in mind that what I endeavored to do was to ascertain the truth regarding the condition of the state treasury and to be satisfied that the treasurer had in his possession and under his control all funds with which he might properly be chargeable. I had neither the time, ability nor facility to enter into an expert investigation of this matter. I could only be expected to make a reasonable effort, situated in my position as I was, to require a full and complete accounting of the funds belonging to the state treasury. This I did.

I wish to call attention to the fact that after the enactment of the depository law by the legislature, the the supreme court in an opinion handed down in February, 1894, held that the provisions of the depository law had no application to educational and trust funds and that it would be unlawful to deposit these funds in state depositories. This decision, then, required a separation of the funds. In the current funds, which should be deposited in state depositories, Mr. Bartley accounted by exhibiting evidences which to me were satisfactory and which I am satisfied were perfectly reliable. He had practically all the current funds for which he was chargeable in state depositories, where they properly belonged. The other funds, being the educational or trust funds, must then be accounted for in some other manner. It is urged now that these other funds should all have been accounted for by the production of the actual cash. This was not done. In the nature of things it could not be done and was not required to be done under the law.

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