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put it into the treasury vault? If such a course were required by law I would have endeavored to enforce it were it to break every bank in the state. But it was not so required. If it were it could have had brought nothing but disaster and ruin to the financial interests of the state, could have resulted in nothing but the wrecking and depleting of many banking institutions, solvent at the time but in a critical condition because of the disastrous financial condition and the severe drought through which this state had passed the season previous. Not only that, but I would have been met promptly by a process from the court in line with its other decisions that this money, until invested, was under the control and keeping of the state treasurer and that I as governor could not determine and had no right to determine in what manner he should keep the funds entrusted to his care and keeping by the choice of the people. What else can be said in the face of these conditions and in the face of what actually occurred than that there is a desperate attempt being made to bring reproach upon me because of the shortcomings of others and because I have been an instrument in bringing exposure to the extravagant mal-administration of affairs by republican state officials and those appointed to serve in important public positions?

Not only did I require a full and complete accounting from Mr. Bartley at the beginning of his second term, but during each semi-annual period thereafter I required from him a report in writing, and these are the only reports that are on file in this office made by any state treasurer, showing in detail the amount of moneys on hand, the amount deposited in the different depository banks and where deposited, and, in fact, a complete exposition of the condition of the state treasury at the close of each semi-annual period. This is all I could do under the constitution and the law. This was done, and had never been done prior thereto.

A republican legislature was in session at the time of the approval of Mr. Bartley's bond, and were there any occasion for the belief that the state treasury was not in a satisfactory condition, this legislature, and it alone above any other power, was provided by statute and by its own inherent power with authority to investigate regarding all such matters. But the republican legislature, the friends of Mr. Bartley, and every republican today who has complained about these things that have transpired in times past, were as silent as the grave.

Section 5015 of the compiled statutes provides "all the books, papers, letters, and transactions pertaining to the office of treasurer, shall be open to the inspection of a committee of the legislative assembly or either branch thereof, to examine and settle all accounts; and to count all moneys; and when the successor of any such treasurer shall be elected and qualified the state auditor shall examine and settle all the accounts of such treasurer remaining unsettled, and give him a certified statement showing the balance of moneys, securities, and effects for which he is accountable, and which have been delivered to his successor, and report the same to the legislative assembly."

In no other place in the statutes is such latitude and unlimited authority given for the examination of the condition of the state treasury as is here given to the legislature. If I have failed in my duty, this legislature failed tenfold more in their duty. But further, Of the moneys of which Mr. Bartley is in default, \$200,000 is for current funds. Reckless, indeed, would be the individual who for one moment would insinuate that I was in the remotest degree connected with this shortage of over \$200,000. The legislature made an appropriation to reimburse the sinking fund. Scarcely had the act become a law than a voucher, adjusted by the republican state auditor, approved by a republican secretary of state, was made out in favor of Mr. Bartley, not as state treasurer but in his individual capacity, and upon which a voucher was drawn in his favor, registered, and by him taken to a leading bank in Omaha and there negotiated and the money disposed of or dissipated in some way unknown to me. This warrant, less than ten days prior to the expiration of Mr. Bartley's term of office, was paid and cancelled. Not one step in the entire transaction was known to any one, so far as my knowledge goes, except these republican state officials and the bank officials who negotiated the sale of the warrant. Yet these arrant hypocrites would have the people of the state of Nebraska believe that I in some way have been direct in my duty because of this loss of over two hundred thousand dollars to the people of the state. To what depth of infamy will they go in order to distract the attention of the people from their own crimes and misdemeanors?

To return to the school fund, more than three hundred thousand dollars of which was not accounted for by Mr. Bartley at the close of his second term. What is the condition of this fund and how has it been managed? The legislature undertook to have the state treasurer buy state warrants with it when there was no money in the general fund and the supreme court held it could not do it. The Board of Educational Lands and Funds undertook to direct the state treasurer to purchase state warrants with this uninvested school fund and hold them as an investment for the benefit of the school children of Nebraska. A case was made up and the supreme court held that such investment could not be made unless at the pleasure and with the consent of the person holding the warrant. The supreme court has in fact given us a line of decisions from the very beginning, which in effect permitted the state treasurer to keep this enormous fund under his own control, care and custody—a temptation in itself to fraud, malfeasance in office and delinquency.

During my term of office I labored industriously to secure the investment of this fund as the law provides. I met with the stubborn, solid opposition of the republican members of the board of Educational Lands and Funds, and investments in state warrants, such as are now being made every day and found to be satisfactory in every way, in accordance with the law and the early decisions of the supreme court, were by the republican attorney general held to be unlawful. What can now be done with the utmost satisfaction to all concerned was held to be unlawful. I then endeavored to secure the investment of this same fund in United States bonds, against which no valid objection could possibly be urged, and again met with the opposition of the republican members of the board of educational lands and funds, as strong and determined as that against investing it in state warrants. I then turned my at-

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sary to balance their accounts, returning it to the banks after it has served its purpose, and nobody was any wiser as to the amount of actual funds in the control and keeping of such treasurer. This was especially noticeable in the case of Barrett Scott, of Holt county, who produced to the county commissioners money borrowed for the purpose, returned it to the banks and within a very short period was a defaulter to nearly one hundred thousand dollars. It was in this sort of accounting that I did not believe there was any virtue and did not care to engage in. I felt it to be my duty to know where the funds were rather than to have somebody else's funds exhibited as belonging to the state treasury. In doing this I conceived I was complying with the law and giving to its requirements a sensible construction—one in which "the spirit maketh alive while the letter killeth." I examined Mr. Bartley's accounts and he exhibited to me cash in the treasury and certificates of deposit of solvent banks in the state, where he had the money on deposit for safe keeping, for every dollar of which he could be held responsible. These certificates of deposit and evidences of credit which he held in the banks had all the evidences of genuineness and there was not the slightest indication in any particular that the money which it purported to represent was not honestly and justly to his credit there, to be called for whenever it might be required by an order for its investment from the Board of Educational Lands and Funds.

Bear in mind that the fact of this money being deposited in different banks was a condition that existed when I examined the treasurer's books and a condition which existed, which was upheld which was endorsed, which was defended by republicans, under a republican rule and regime, in the affairs of this state for a number of years past. If it was wrong at that time, it was wrong the day before; it was wrong during the campaign preceding that time and every republican in the state who supported the republican policy and the republican administration of affairs, was equally responsible for that wrong. Every state officer preceding me, every member of the supreme court, every member of the legislature, every well-informed person throughout the state knew that this money was not kept in the treasury vaults; that in the nature of things it could not be kept there in safety, and that its only safety lay in its investment as the law directs, for the benefit of the school children of the state. Let me quote here an opinion of Judge Post, the republican candidate for reelection as judge of the supreme court, upon this subject and see whether I should be held responsible for this heinous offense and no one else share in the wrong, if one there be:

"By reference to the foregoing certificate of deposit it will be perceived that the transaction here involved differs from an ordinary general deposit in one respect only, viz: that the money of the state in the Capital National bank was payable upon the return of the certificate, and not subject to check. It is therefore directly within the reasoning of the case cited. But the legislature could not by the adoption of the crim-

ention to the purchase of county registered bonds, the only other kind of securities mentioned in the constitution, and by my individual efforts, unaided in any way, secured the purchase by the board of over a hundred thousand dollars of the entire amount invested during my first term of office. Every dollar of this fund could have been and should have been invested prior to the expiration of Bartley's second term, and even before that, for that matter, but it was not done because of the active assistance, aid, co-operation and consent of republican officials, the republican press and party leaders throughout the state. If this fund had been invested as it should have been, no defalcation would have taken place. The money was on hand at the beginning of Mr. Bartley's second term of office. Instead of three or four hundred thousand dollars, every cent of it should have been and could have been invested, and not a dollar of it lost to the state.

Let me illustrate another fact as to the condition of these funds. It will be borne in mind that aside from the two hundred thousand dollars, representing the amount collected on the sinking fund warrant, drawn in Mr. Bartley's favor, and about which I could know nothing, the remainder of \$335,000.00, represented the educational funds in his hands. These funds, as above stated, were kept by him and could not, under the decision of the Supreme Court, be deposited under depository bond in banks designated as state depositories where the current funds must under the law be kept. Just at the close of Mr. Bartley's term of office, and when it was known that he was required to account for these funds, he presented three depository bonds, making three other banks state depositories. These bonds were not presented and were not acted upon until near the time that he was required to account to his successor. I objected and protested against the approval of any more depository bonds because of the heinousness to the time when Mr. Bartley would be required to account for all funds, and because depository banks had been designated sufficient and ample to cover all current funds which should be deposited therein. Notwithstanding my objections, these three depository bonds were approved by the republican attorney general and the republican secretary of state, and, without my approval, which the law says must be had, these banks were designated as state depositories. At the time of this designation these three banks had in their possession over two hundred and twenty-two thousand dollars (\$222,000). This money, I am sat-

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(Signed) SILAS A. HOLCOMB,
Executive Chamber,
Lincoln, Nebraska,
October 21, 1897.