

OPPOSES ANNEXATION

(Continued From First Page.)

against us, their financial institutions, which control to a great extent their policies, would be driven to the wall. The first gun fired at New York by either of these powers would shake Europe to its center and render it necessary to make a new map of that part of the world. If England was silly enough to fight us she would operate, as far as the Pacific coast is concerned, from Esquimaux, which is on our borders and where she has one of the finest forts in existence.

For fifty years we have warned European powers away from the Hawaiian Islands. That warning has always been heeded. We are better able to take care of ourselves now than we were then. Where is there any new danger?

If it is necessary to build fortifications and guard the islands, why not improve Pearl Harbor which was ceded to us by Art. II of the Treaty of December 8, 1894, by which we were given "the exclusive right to enter the harbor of Pearl River in the island of Oahu and to establish and maintain there a coaling and repair station for the use of vessels of the United States, and to that end the United States may improve the entrance to said harbor and do all other things needful to the purpose aforesaid."

4. It is said that the association of the Pearl Harbor cession.

Ans. This is not true. A cession cannot be avoided by the termination of the treaty making it. There must be a retrocession by us to have that effect.

But if there were any defect as to our title, can we not remedy it? Would not the Hawaiian government be delighted to have a strong friend close by?

5. It is said that if we refuse to take the islands our position will be morally weakened.

Ans. The contrary is true. Under the Monroe Doctrine we do not claim or take, nor would we have, the South American Republics, or either of them. The same doctrine has always been applied to Hawaii and its application recognized by all powers. The strength of the Monroe Doctrine consists in our abstention from conquest or absorption. We merely warn other governments not to oppress our sister republics. If Europe said to us, take Mexico, or we will take it, we would reply, "We will not do so, and you must keep your hands off." This long defined and carefully regarded policy we apply to Hawaii. If, on the other hand, we shall begin the plan of absorption, we must get ready to take the consequences. Army and navy must be indefinitely increased. Onerous taxation and centralization will follow.

6. It is claimed that annexation will be most beneficial to our laboring interests.

Ans. This is untrue, and happily the absurdity of the claim is thoroughly appreciated by the laboring people of the United States who have not hesitated from their national assemblage to local meetings to denounce the entire project. If Honolulu is a good place for white labor why has not such labor gone there? In what direction is the new enterprise to be directed? Everybody concedes that our intelligent white people will not work in the cane fields. Notwithstanding the talk with reference to the general character of the climate it is certain that a cane field is a real furnace. While the temperature runs from 50 to 90 degrees, the very absence of extreme cold and intense heat results in a warm sameness enervating in the extreme. No climate that can produce coffee can be otherwise than unpleasantly warm. The absence of white labor establishes that there is no field for it. Sugar is the great industry. In the year 1897 over 500,000,000 pounds were produced. This is about enough to supply the whole population west of the Missouri river. We hear the claim often that the limit of production has been reached. The same assertion was confidently made when the output was only one-fourth of that of 1897. Sugar is the mainstay of the islands; without it there would be no considerable commerce and no talk of annexation.

Much is said as to coffee raising. Our consul at Honolulu has recently made a very full report as to the status of this industry. He shows that the labor is wholly Asiatic. That the Chinese receives \$16 per month and the Japanese \$15 without board. That the industry is not yet firmly established. That capital is necessary. He ventures the opinion that German labor could be profitably employed in planting, but does not pretend that "picking," the most expensive part of the transaction, can be done by any but inferior labor. The coffee supply of the world now fully equals the consumption. There is no tariff in this country upon coffee. The Hawaiian must compete with the low priced labor of Brazil and Central America. Manifestly there is nothing in this outlook for either the American farmer or the working man. A few mechanics can get work now and then in Hawaii, but the market in this respect is quite limited.

Much has been said of the intention of the Dole government to prevent Japanese immigration.

That there is no such intention can be shown in a few words.

Not long since 800 Japanese immigrants were refused landing and this was the basis for the controversy with Japan—that government claiming that under existing treaties the interference was unjust. There is in force a convention between the two countries authorizing contract labor to go to Hawaii. This is of course the worst sort of immigration. The 800 excluded were not, except perhaps in a few isolated cases, of this class. The treaty which provides for contract labor can be terminated on six months' notice by either power. Dole has never attempted to end it, but on the contrary since the exclusion of the 800 non-contract Japanese, the Dole people, through their board of immigration, have agreed to the landing of two thousand contract laborers from Japan.

The sugar and coffee planters want cheap labor. They run the islands and will continue to do so and they will have just the labor they wish—cheap labor—the only labor used anywhere in the world by coffee and sugar growers.

If Dole wishes the treaties with Japan modified why does he not endeavor to procure such modification? If he cannot do so unaided why does he not invoke the friendly offices of the United States?

7. It is said that if we do not annex, Dole, et al., will direct their trade elsewhere.

Ans. There is nothing in this. The main supporters and instigators of this treaty are not philanthropists. They

are after profits. They trade with us because they make money by so doing. Without any remission of duty they would send their sugar and coffee to us because here is their market. When the McKinley bill interfered with their sugar they still came here. With the reciprocity treaty in force they would be insane to go elsewhere. Were it necessary to discriminate to hold their trade we could do so by a reasonable treaty. As a matter of fact however, they will, as has been said continue to deal with the people of the United States for their own financial benefit.

In conclusion: The treaty is not warranted by any of the arguments made in its behalf. That which has already been said will cover this proposition. It is a mere scheme of the Hawaiian Sugar Trust. The sugar planters, who are not numerous but enormously rich, have reaped their benefits for the most part from the reciprocity treaty with United States, by means of which we have donated to them \$75,000,000—the extent of their exemption from duty.

They fear that this treaty may be changed and made more truly reciprocal. They therefore are spending time and money to secure annexation and when this is accomplished their ample income will be made permanent without any benefit accruing to the people of the United States. This accounts for the position of various newspapers and individuals who are interesting themselves vigorously in advocacy of annexation.

The character of population we will bring in by annexation. That population as shown by the last census is as follows:

Nationality	Males	Females	Total
Hawaiians	16,899	14,620	31,519
Part Hawaiians	4,249	4,236	8,485
Americans	1,975	1,111	3,086
British	1,975	844	2,250
German	866	566	1,432
French	56	45	101
Norwegian	115	162	277
Portuguese	8,202	6,989	15,191
Japanese	19,212	5,195	24,407
Chinese	19,167	2,449	21,616
South Sea Islanders	321	134	455
Other Nationalities	448	152	600
Total	72,517	36,503	109,020

We do not exclude Japanese and will not do so if Hawaii is annexed. We exclude Chinese laborers, but we do not drive away those already here. Therefore, the Asiatics now in the islands will remain and Chinese and Japanese "cheap labor" will be incorporated.

We are told that most of the sugar lands is held under lease and that there is plenty of fine land "for the people." Is anyone foolish enough to think that the Hawaiian Sugar Barons will let an outsider in? If our land laws are extended over the islands, will the American farmer "get in" first? If there is a general grab, will he be considered? The truth is that it takes a fortune to develop and operate a plantation in Hawaii to get a start and the poor man will be even less "in it" there than he is here.

If there is anything the matter with the Japanese and Hawaiian treaties, if there are troubles with Japan in contemplation, if there is difficulty regarding our improvement of Pearl Harbor, why not tender our good offices and we can fix these matters to the satisfaction of all. If our ability to do this is questioned, I answer, why not try? The advocates of annexation will not permit the making of any such negotiations because they know that the same would be successful.

It is said that the next war will be determined by a naval battle. If this be true, why go two thousand miles to fight such battles? Why not bring it on near our protected harbors? Why leave home to defend home?

It is said that the Japanese and natives will unite and overthrow the government. This will not be done. Japan openly disclaims any such intention. If our interest required it we would intervene to prevent any such effort. The answer however to this pretense is that it is an annexation bugaboo. It is suggested by the very men who are importing contract laborers now. The Dole government is doing this through its board of immigration.

It is said that the sugar trust is against annexation. Why? That institution has made money in consequence of the reciprocity treaty and consumers have not saved a cent. Those who have been supposed to be the friends of the trust are working night and day for annexation.

Eugene Moore is Free

(Continued From First Page.)

writ of mandamus was awarded against Liedtke to compel him to pay to the state treasurer fees collected by him as auditor under the provisions of section 32, aforesaid. The writ could not have issued against him as a mere private debtor of the state; it could have issued only to coerce the performance of an official duty. Thatcher vs. Adams, 10 Neb. 485; Laffin vs. State, 49 Neb. 616.

"I am not prepared to say that I should agree to the rule established by the Liedtke case, were the question now presented for the first time. But that decision has stood unchallenged for nearly twenty years; it may be contrary to the weight of authority, but it has the support of sound reason, and, to say the least, it is not so serious an impediment in the way of justice as to call for a judicial repeal. The principle upon which it rests has the sanction of very eminent authority. It is precisely the same principle which controlled the decision in the case of State vs. Spaulding, supra. In that case the conviction was not sustained because Spaulding was agent of the city to collect license money. In truth he was not, and could not have been a such agent, an exclusive agency for that purpose was, by ordinance, vested in the city treasurer. But, having by an assumption of authority obtained the money which he embezzled, he was set to work by denying that such assumption was false."

"It is no more true, as a legal proposition, that Spaulding was the agent of the city, or, in the language of the Kansas statute, 'employed in that capacity' than it is that the defendant in this case was charged with the collection, receipt, safe keeping transfer or disbursement of public money. Nevertheless, he was convicted and the conviction sustained because the law did not permit him to become the trust and rely on it as a defense. So it seems to me that the defendant, Moore, having obtained the money, and in question for the extent of his official authority should not be permitted to deny that he held it in his

Herpolsheimer & Co.

A WEEK OF VALUES

Next week the departments mentioned here offer you these indisputable values merely to prove "THE BIG STORE'S" ability to sell high class goods for less than you usually pay for the ordinary kind.

Domestics and Blankets.

36 inch Percales, all the new styles, per yard.....	6c
Best Black and white Prints, per yard.....	4c
Dress style Ginghams, light and dark, per yard.....	7c
9-4 Unbleached Sheetings, per yard.....	11c
Fancy Flannelettes, new spring styles, mill lengths, 10c values per yd.....	6 1-2c
BLANKETS—\$3.00 11-4 grey wool Blankets a pair.....	\$2.25
\$5.00 all wool, 11-4 Grey blankets, a pair.....	3.47
\$2.00 white wool, 10-4 Blankets, a pair.....	1.47
\$3.00 Wyoming, 10-4 White Blankets, a pair.....	1.97
\$5.00 all wool 11-4 white blankets, a pair.....	3.69



Shoe Department.



Ladies' Oxfords in broken lots and sizes that must be closed to make room for spring and summer goods. Almost any kind you want and if your size is here you may depend upon securing the greatest values for the least money you have ever known. In addition to this we have prepared a dollar table upon which will be found some of the most remarkable offerings known to the trade. Ladies', misses' and boys' shoes worth from \$1.25 to \$2.50, are on this table for..... **\$1.00**

Mail Orders Promptly Filled.

Underwear Offerings

Ladies' Flat Weave, half-wool Vests and Pants, sizes 28 to 42, reg. 50c quality, each.....	33c
Ladies' ribbed 80 per cent wool Vests and Pants, 75c quality, each.....	50c
Ladies' 50c fleeced Vests and Pants, each.....	39c
Ladies' medium weight Cotton Union Suits, extra quality, reg. \$1 grade, per suit.....	69c
Children's fleeced lined Union Suits, drop seat or open down front, reg. 50c quality, per suit.....	33c

Sole Lincoln Agents for Butterick's Patterns and Publications

New Dress Goods

If you cannot pay this department a visit do not fail to send for samples. The finest showing of all the newest weaves, colorings and designs in the state

Hosiery Offerings

Ladies' fleeced lined Hose, double sole, spliced heel and toe, worth 35c, a pair.....	27c
Children's all-wool hose, fine rib, double knee, spliced heel and toe, a pair.....	19c
Men's natural grey cassimere Socks, double heel and toe.....	30c
Ladies' Fancy Side Hose Supporters, pin top all colors, a pair.....	12c

Grocery Offerings

Gold Dust, 4 pound package.....	15c
5c package Soap Powder.....	3c
12 bars Satin Soap.....	25c
5c package Yeast Cakes.....	2 FOR 5c
10c sack of Salt.....	5c

1 pound package Soda.....	5c
Argo Glass Starch.....	4c
Matches, 200 in a box.....	1c
Codfish, per pound.....	5c
California Table Plums, per can.....	10c
California Table Peaches, per can.....	12c
California Table Grapes, per can.....	10c
California Table Apricots, per can.....	12c
California Evaporated Peaches.....	4 POUNDS FOR 25c
California Prunes.....	6 POUNDS FOR 25c
California Raisins.....	6 POUNDS FOR 25c
Best Minnesota Flour.....	\$1.45

OUR GREAT SPECIAL SELLING OF STEEL ENAMEL WARE

One of these long looked for and immensely interesting events which no economical housekeeper can afford to overlook. This is the ware that a great many dealers advertise and sell as Granite Ware.



No. 7, 5qt tea kettle 45c, No. 8, 7 qt, 59c



Ten or Coffee Pots, 1 qt, 17c; 1 1/2 qt, 19c; 2 qts, 21c; 3 qts, 23c.



Wash Basins, No. 28, 13c; No. 30, 15c.



Shallow Stew Pans, 15c.



Deep Pudding Pans, 5 qt, 19c; 6 qt, 23c.



3 qt. Lipped Preserving Kettle, 17c.

Send Us Your Mail Orders.

Nebraska's Greatest Mail Order House.

Half Block . . . **Herpolsheimer & Co.** Lincoln, Nebraska.

official capacity.

"The remarks of Mr. Bishop in his work on criminal law are pertinent here. The author says: 'In reason, whenever a man claims to be a servant while getting into his official possession the property to be embezzled, he should be held to be such on his trial for embezzlement.' This proposition is not made without considering what may be said against it. And a natural objection to it is that, when a statute creates an offense which by its words can be committed only by a 'servant,' any extension of its position to one who is not, but only claims to be such, violates the sound rule of statutory interpretation whereby the words, taken against defendant, must be construed strictly. But why should not the rule of estoppel, known throughout the entire department of our jurisprudence, apply equally in the criminal case? If it is applied there, then it settles the question; for when a man has received anything of another under a claim of agency he cannot turn around and say: 'No, I was your agent in taking it, but a deceiver and a seconded,' when, thereafter, the principal calls the man under those circumstances to account, he is estopped to deny the agency he professed—why also is he then indicted for not accounting, should he not be equally estopped on his trial upon the indictment? The rule thus stated has been recognized and approved in State vs. Spaulding, supra; State vs. O'Brien, 94 Tex. 79, and People vs. Rayne, 37 Pac. Rep. 69. It has also received recent recognition from this court."

"In the case of Bartley vs. State, N. W.

R. 744, the contention of the defendant that the depository act is unconstitutional is answered in the following language: It is urged that the court erred in assuming in the 10th, 11th and 15th paragraphs of the charge the validity of the depository law. An elaborate argument is made in the briefs against the validity of that piece of legislation on grounds other than those heretofore considered by this court. We must be excused from entering upon a discussion of the subject at this time, as the defendant is in no position now to assert that the public money of the state were not rightfully on deposit in the Omaha National bank. He recognized the validity of the statute by placing the money of the state in said bank and it would indeed be a reproach upon the law to permit him to assail the depository law in a prosecution for embezzlement of public funds so deposited by him. It was the money of the state which went into the bank, and it was likewise the money of the state that paid the check, whether the bank was a lawful state depository or not."

"From these citations it appears that the Liedtke case does not stand solitary and alone. The principle upon which it was decided was not a precarious one, to say the least, and it should in my judgment, be adhered to. The defendant, by his plea of guilty, has confessed that he received the money embezzled as auditor of public accounts and I do not think that we should either directly or by necessary implication overturn one of our decisions in order to hold that his conclusion is false."

SEEDS THAT GROW

RED CLOVER TIMOTHY
Blue Grass, White Clover.

This is the Best Season ever known for sowing Grass Seed. We keep the Best, and sell it right. Why not buy direct? Come or send for Catalogue. Free of course.

GRISWOLD SEED CO.,
Cor. Tenth & N Sts., Lincoln, Neb.

RETE NURSERIES

ESTABLISHED 1870

We offer full line of Nursery Stock, Fruit Trees and Plants, Ornamental Trees, Shrubs, and House Evergreens, all sizes, eight inches to five feet. Home to thousands of customers and bearing orchards. That our fruit trees and plants are productive is shown by thousands of fruit that we have grown.

13,000 Bushels OF APPLES in one season; 17 to 24 bushels of Apples on a single tree; 700 bushels of Cherries; 3 1/2 bushels on a single tree; 870 bunches of Grapes on one vine.

Send for List Free. We help on all orders.

E. F. STEPHENS, Crete, Neb.