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MESERVE ACQUITTED

Judge Baxter Holds With The Independent That No Crime was Committed, and Directs a Verdict of Acquittal

"All things come to him who waits." The Independent's position regarding the Meserve indictment has been vindicated. Mr. Meserve has been acquitted of the charge of embezzlement, the verdict being directed by a republican judge after hearing long arguments upon the points of law involved and without hearing the testimony of any witnesses. In its issue of January 30, The Independent said: "If all that is charged is true, and The Independent by no means admits that it is, there was no crime committed." In summing up his reasons for directing a verdict of acquittal, Judge Baxter said:

"The state cannot ratify the act of the treasurer in making a bank deposit because of the limitation placed upon its power by the constitution and therefore it could not ratify this contract made by Meserve with the South Omaha bank whereby the bank was to pay Meserve interest on the \$60,000. Under the law of the state that would be an investment or loan of the permanent school fund which would be unconstitutional. Consequently, since the state could not ratify the contract with the South Omaha bank whereby the said bank agreed to pay interest upon the said fund, then the interest paid by the bank could not in any event become or be the property of the state, because the state could not recover it in a civil action. Therefore the \$3,000 not being in legal effect under our constitution money belonging to the state, this prosecution must fail."

The Independent knew that the indictment was not drawn in good faith, but was returned only after the grand jury, corrupt no doubt as it was, had taken a great number of ballots and was finally coerced into returning it by Judge Baker. It was simply and only a republican political scheme having two objects in view: (1) To divert attention from the present republican treasurer and the governor by giving the people something else to talk about; and (2) to kill a growing sentiment over the state that Meserve would make an excellent governor. The Independent knew this. Republican papers and politicians knew it. Most populist and democratic papers and politicians knew it. It is such a very few who seem inclined to think that the way to build themselves up is to tear another down, immediately convicted Meserve and demanded that he prove his innocence.

The chief points of difference between a treasurer and a trustee are that if a trustee use reasonable diligence and care in handling the funds under his control, and they become lost or stolen, he is not accountable. But the state treasurer is at all times an insurer of the permanent school funds remaining uninvested in his hands. If lost or stolen, absolutely without fault on his part, he is nevertheless responsible for every cent coming into his hands. Any profit accruing from the use of trust funds in the possession of a trustee belongs to the estate and not to the trustee. But in contemplation of law (the statutes and the constitution) there can be no profit accruing to the permanent school fund except when invested in the way pointed out in the statutes and constitution, that is to say, when invested in United States or state securities or registered county bonds of this state. The constitution forbids the permanent school funds to be loaned or invested in anything except the securities named. And the supreme court long ago decided that the depository law cannot apply to the permanent school fund, because a general bank deposit is a loan of money to the bank. So the profit accruing from this peculiar position: He is technically an embezzler if he deposits the permanent school fund even temporarily in a bank; he must insure its safety even to the extent of going to the penitentiary as an embezzler if a cent be lost and not made good; and if can only be invested in certain securities which are at times difficult to find.

This decision will be productive of good, even if the prosecution was conceived in iniquity. It accentuates the need of (a) a constitutional convention to give us a new constitution adapted to the needs of greater Nebraska; (b) increased facilities for investing the permanent funds; (c) a provision for the safe keeping of the idle permanent funds so that the treasurer will not be compelled to commit technical embezzlement at every turn, no matter how hard he strives to do his duty. But it is rather hard to make Mr. Meserve the sacrifice which will bring about intelligent action on the part of our lawmakers and the people.

A GREAT BOER VICTORY

The Heaviest Blow That Britain Has Received Since the Days of Napoleon—Consecration in All England

That the Boers have an organization and a fighting force that entitles them to be acknowledged as a government and as belligerents, that is, a state having the right to carry on war, can no longer be denied. In a fight General Delarey captured an English general, hundreds of prisoners, four guns and an immense amount of war material. It was a fair stand-up fight and according to the British themselves, the Boers had only an equal number of men. But the British were routed, horse, foot and muleteers.

The fight occurred in the Orange Free State, hundreds of miles from the location of De Wet and Botha, which

eral Lord Methuen, who was wounded and captured, was one of the leading generals in the British army. The British also acknowledge the killing of four other officers and the wounding of ten. How much greater the loss was in men and war material no one knows. The censorship in South Africa is so severe that not a newspaper correspondent has been allowed to send a word. It is confidently believed in Europe that the other column of British troops marching to make a junction with Methuen has also been attacked and dispersed or destroyed.

In this fight as in two others of recent occurrence the American mule took a prominent part on behalf of the Boers. Lord Kitchener's report lays most of the blame on them, for they stampeded with the wagon trains and broke up the British columns so that the attacking Boers rode through them at all points. One thing that frightened the British at home was the fact that the Boers would retaliate for the murder of Scheepers. Another Boer commandant, Kritsinger, is a prisoner in the hands of the British and is also liable to be murdered by the British military authorities. The capture of Methuen will likely put a stop to that. The Boer envoys called again on the president last Tuesday and after their departure from the White House the following statement was given out by them:

"A number of mistakes have been printed about our mission to this country, since we came to Washington," said Mr. Wessels, "and the worst one is that we are trying to get intervention. We know that this is not possible, and as a matter of fact, we don't want it. What we do want, however, and what we have laid before the American government, is a request that civilized warfare be insured in South Africa. That is all we want now. We have not put before the authorities any request that this or that plan be adopted to insure the carrying out of the rules of civilized warfare, but we will leave that wholly to the government to take whatever steps it sees fit. We are confident that we will be able to keep this war going for a number of years yet, and we think that all civilized nations, especially the United States, are interested in the proper rules of warfare being carried out. We can point out numerous instances of foul work. It is particularly noticeable that the English press itself comments that Methuen will be given decent care and attention by the Boers who captured him a few days ago. Yet, what did they do with General Scheepers and a number of others? They killed Scheepers without a trial. That story from England points its own moral and an important one, too.

President Kruger is not seeking intervention in Europe and all stories of that kind may be denied whenever they are seen. The Boers have nothing to lose and all to gain by keeping up this fighting. They may call it guerilla warfare if they want, but it is at least humane warfare."

HILL RUNS AWAY

But It Is Doubtful If His Retreat to Canada Will Avail Him Anything—Can't Take His Railroads

There have been rumors afloat for some time that the Northern Securities company promoters would seek to evade federal prosecution under the anti-trust law by taking out a foreign charter. It is now reported from Canada that application has been made at Ottawa for a Dominion charter to cover a Northern Securities company and that this company is identical with the New Jersey corporation which merges the Northern Pacific and Great Northern roads.

It was not to have been expected that the promoters of the Northern Pacific combination would thus seek to take refuge in flight or seem to make confession of guilt by running away, and the Canada reports of the identity of the two corporations may be in error. Assuming their correctness, however, it is decidedly to be doubted whether the merger scheme has gained anything by this step. Even supposing that the corporation is thus placed beyond reach of the United States courts, its property or sources of income still remain within reach, and that is the important thing. The anti-trust law under which the United States attorney general is to act contains this section:

"Section 8. That the word 'person' or 'persons' wherever used in this act, shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States, the laws of any state or the laws of any foreign country."

Thus contemplating just such a situation as would arise from a foreign incorporation of the Northern Securities company. The law still requires the attorney general to go ahead and as long as the real property of the defendant foreigner is here no great difficulty would seem to arise in bringing him into court.

The case is of course made much more complicated by the reported step, but public sentiment in the United States will also thereby be made much more insistent that the prosecution be pressed to the end without fear or favor.—Springfield (Mass.) Republican.

Read this paper carefully and then hand it to a neighbor. Ask him to subscribe; or better send for a block of five "Liberty Buildings" Postals and get up a club of subscribers. There is no other way in which you can do so

OUR STATESMEN'S IDEAS

Their Efforts to Express Them in Legislation—Bryan in the East—Millard's War Principles

Washington, D. C., March 10.—(Special Correspondence.)—At last it has been definitely settled that Miss Alice Roosevelt is not to attend the coronation of Edward VII. So great had been the objections hurled themselves from the great expanse of the United States that the president deemed it wise to yield to public clamor and order his daughter to stay at home. It is certainly a pity to keep the young lady, who is fast winning her way into the hearts of the American people, from attending such an impressive occasion. Quite a number of representatives and senators attended the funeral at his home in Danville, Pa. Among those who came from afar to pay their last respects was Hon. William Jennings Bryan.

Representatives Rufus K. Polk, a democratic member from Pennsylvania, died very suddenly in Philadelphia, and was buried yesterday. Quite a number of representatives and senators attended the funeral at his home in Danville, Pa. Among those who came from afar to pay their last respects was Hon. William Jennings Bryan.

Mr. Bryan has been lecturing in the east and still surprises the republicans by the large crowds he draws. They boasted that the people went to hear Bryan during the last two campaigns because he was a free show; but now when the admission fee is asked they wonder. On Thursday evening he held a magnificent meeting at Scranton, Pa., in the heart of the Quay haunts, and drew the largest crowd in the history of the city. This cry about Bryan being dead is not very strong in Washington. We don't hear it here in the capital. The Post this morning hits the nail on the head when it says:

"Those who seek the disappearance of Bryan as a factor in democratic affairs have been somewhat disappointed from time to time. He has been showing his hand occasionally in New York party affairs, and still shows his power here in congress with the members of the democratic party, who prefer to follow him rather than any other party leader."

J. B. Haynes, secretary to Senator Millard and correspondent for the Nebraska State Journal at Washington, has at last fearlessly used the mercenary excuse in the history of the Philippines. I think that the article so well expresses the true policy of the republican party that I send it here and ask that it be published:

"What does the heedless throng know about the Philippine question, anyway, and what does it care? To be sure the army is costing the people millions annually, but it is furnishing employment for thousands of men who might otherwise be idle, and the army supplies are purchased in this country while the money spent for munitions and ordnance is disbursed in America to Americans. The war gives employment to idle men and distributes money to the contractors who are manufacturers. Can the democratic party safely rely upon the mercenary issue to carry them through the congressional elections? Didn't the people in 1900 see through Bryan's transparent exhibition of imperialism? All this recent tiresome debate in the senate was precipitated by Bryanite democrats who believe they are making political capital for the fall campaign—the subject is their own welfare. If the other party fails out of the effort, no wonder David Bennett Hill and other old school democrats felt called upon Saturday to meet in New York and to proclaim their faith in the principles of the old democracy. They, too, have had their ears to the ground."

Well, what do you think of that? Senator Millard, the boss of Haynes, once remarked that the only way to get the people to carry them through the congressional elections? Didn't the people in 1900 see through Bryan's transparent exhibition of imperialism? All this recent tiresome debate in the senate was precipitated by Bryanite democrats who believe they are making political capital for the fall campaign—the subject is their own welfare. If the other party fails out of the effort, no wonder David Bennett Hill and other old school democrats felt called upon Saturday to meet in New York and to proclaim their faith in the principles of the old democracy. They, too, have had their ears to the ground."

WILLIAM W. BRIDE.

TRUSTS AND FARMERS

There is no Hope for the Agricultural Population Except in Equal Rights to all and Special Privileges to None

The proposition to form a farmers' trust, though as chimerical as one to extract sunbeams from cucumbers, may afford a text for examining the social and political environment wherein dwells, moves, and has his being that indescribable and helpless industrial animal called the farmer.

I say helpless, because of his many ineffectual attempts to better his condition by methods which are manifestly not within his reach or control, and because he steadfastly refuses to employ others at his hand, which would give him an equal footing with all other classes of his fellow-citizens.

Observing, several years ago, that national bankers had been favored by legislative enactment with the power to turn their property into money, and receive an income from both, thus doubling their productive capital, the farmers supplicated government for the like privilege of duplicating the usable capital of their farms; but they were spurned with many a jest from the foot of the political throne. Their proposition was as good in equity and as safe to the government as was that of the bankers; and, farmers being one hundred times more numerous than the latter, many people have wondered why they did not succeed.

But really there should be no wonder concerning it. Privilege in any country is not for the many, but for the few, for the reason that privilege expanded ceases to be privilege. A few hundred national bankers might lend money to the whole country; but if the greater part of the population were to be supplied with money by the government, who would borrow of the bankers?

At bottom there is no justification for the national bank system. A government founded for the declared purpose of establishing justice among the citizens has no right to duplicate the capital of one citizen and refuse it to another. And, really, it is not the function of our government to expand the capital of individuals. The idea is indefensible, and hence there was no united action among the farming population. And, even if there had been a unanimous request presented in due form to the United States congress, the answer of denial, for many reasons, would have been just the same.

And one of the principal reasons why the farmers cannot be as successful as the corporations, the manufacturing and commercial interests, in getting partial legislation favorable to themselves, is because they declare themselves non-partisan, to begin with, and rest their case wholly upon its merits, as viewed from the standpoint of the general welfare. If the other interests, or classes, should conduct their business in like manner, they, too, would fail.

But they do not. Their demands are not predicated upon ideas of justice and the general welfare. With them their business interests control their political action. They go with the party that does the most for them, and by the campaign contributions to a great extent control legislation.

Such interests are organized, and speak authoritatively through their governing heads. They support lobbies, and employ attorneys to defeat hostile legislation and secure extraordinary privileges.

Probably no more astounding governmental subservience to syndicates and unscrupulous powers, how is it expected that the farmers and the farm laborers, scattered all over the broad area of the republic, and split into every political faction, antagonistic to their own professed interests—how can it be expected that they shall succeed in extorting privileges from a government already under control of the privileged classes? Probably a majority of farmers, especially in the northern, eastern and western states, believe firmly in the protective system, which is the parent and support of monopolies and their aggregate trusts; and they do so in spite of the patent fact that only in this way can the prices of commodities they buy be unduly raised against them. On account of the tariff protected trusts, prices of all the trust goods have been largely advanced, and there is no avoidance except by knocking out the trust underpinning, the protective tariff, which the especially victimized farmers regard as sacred. Can they never learn that advance in price of things they buy is the same in effect as a decree by the trusts that wheat shall be, say, 25 cents a bushel; oats, 15 cents; potatoes, 10 cents; hops, 5 cents per pound, and wool, 6 cents per pound? If the farmers do not keep accounts, fate keeps a ledger for them, with debit and credit columns; and the trusts have charge of the debit side. The often-plucked farmer has little to do with either side. He must take what he can get for his productions in a free trade market, and suffer any trust extortion imposed upon him. Need he express any surprise that at the close of his fiscal year he cannot make ends meet?

And, as the monopolies become more consolidated and perfectly organized, the worse his case becomes.

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A CONGRESS ON HIS HANDS

Roosevelt Playing at the Cleveland Game—Ship Subsidy Sure to Pass—Boer Delegates Visit the President

Washington, D. C., March 10.—Democracy has had painful memories of the way in which President Cleveland dragged a democratic congress into supporting undemocratic measures will find some consolation in seeing history repeat itself under the present administration. President Roosevelt is trying to force an unwilling congress to lower the rate of duty on Cuban sugar. He has secured the reluctant support of a majority of the republicans of the ways and means committee, including Chairman Payne and Representatives Dalzell, Grosvenor and Steele. But they have so far after numerous conferences been unable to bring a majority of the house republicans—now numbering an even 200—to support the views of the administration.

Roosevelt is bringing all the pressure he can bear to force the house republicans to swallow his obnoxious measure. In his own cabinet the three strong political members, Secretaries Shaw, Payne and Wilson, are strongly opposed to the concession. While they are in a minority they represent all the political sagacity there is at Roosevelt's table, and it has taken a great deal of strenuous effort to keep their disaffection confined to the cabinet room. To make sure that the dissensions in his official family are kept bottled up President Roosevelt has just issued an order that all news concerning cabinet meetings must be given out by Private Secretary Cortelyou. "To relieve the cabinet officers of the importunities of newspaper men."

As the situation stands there is an almost even division in the republican ranks in the house, with the opponents of any concession to Cuba making the only strong and virile fight.

Apart from partisan politics it is to be regretted that, with all Europe uniting for an abolition of the unjust system of bounties on their best sugar crop, the United States should disturb the certainty of that economic reform by proposing either directly or indirectly to re-establish the bounty system in behalf of Cuban sugar.

The republicans are now pressing the ship subsidy bill with great vigor in the senate and it will undoubtedly pass in a short order regardless of opposition.

The only thing which can be said in its favor is that it is less iniquitous than its predecessors, but is none the less a straight gift from the treasury to a special industry which needs no assistance whatever. Every American shipyard is working full time with all the forces it can command, and nearly all of them are refusing to accept orders for delivery of vessels of any considerable size prior to 1905.

At the present time ocean freights are rather high on account of the enormous demand of the British government for transports and freight handlers in connection with its enormous army in South Africa. But when that war is over ocean freights will be the cheapest in the history of the world.

Were a democratic administration to be in power and pass a free shipping bill with moderate and fair restriction, whether those ships were built in England or the United States, the plates, beams and angle irons, timbers, spars and engines, boilers and shafts would be nearly all the products of American labor and the provisions to feed these would be raised on American farms.

The Boer delegates, Wolmarans and Wessels, have visited both President Roosevelt and Secretary Hay in behalf of their suffering country. Despite all press reports to the contrary they have secured one important admission from the administration. That is that the Boer governments are at liberty to attack British transports carrying horses and mules to South Africa instantly they are outside the three-mile limit of the American coast.

This means that should a Boer filibuster or letter of marque vessel or privateer seize upon a British transport more than three miles beyond the mouth of the Mississippi jetty that transport, mules, cargo and all that are on board, will be sent back to the port of New Orleans and there sold in the admiralty court as a prize of war.

General Kitchener has played his usual game of sending out a report of big captures of Boers last week in order to cover and minimize a sweeping Boer victory of the previous week in which a half regiment of British veterans was captured by General Delarey. All coming through British sources the Boer victory has undoubtedly been minimized and the British victory blown up like a balloon.—D. P. B.

Not Going Back

No populist will ever vote for the party that rewards the robber. We are not going to vote for the republican party because we can tell an infant industry from a colossal giant that in its insolence sends its representatives to congress, has its attorney in the cabinet, and sends its "captains of industry" to hob-nob with the crowned heads of Europe, and to tell them how our people are controlled by the mighty power of the trusts.

Ten or twelve years ago, when the populists advocated government land loans, loans on the assets of the farmer, the republicans denounced it as the wild-eyed vagaries of populism; but now that President Roosevelt has appointed a secretary of the treasury who advocates government loans to the capitalists upon the assets of their banks, they call it broad-gauge statesmanship. Life is too short to tell all the reasons why no populist will ever return to the republican party.—Eagle, St. Francis.

T. W. DAVENPORT.