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IMPEACHMENT CASES.

A Review of the Evidence Taken in the Cases Against Allen, Humphrey and Hastings.

CELL-HOUSE CROOKEDNESS AIRE.

Witnesses Unwillingly Divulge the Truth. Dorgan's Bad Memory.— Working on the Asylum Matter.

A Summary.

In its capacity as a court of impeachment the supreme court is certainly making a record for industry. It meets promptly at 10 o'clock and usually holds all 6 in the evening. It was in session every day last week except Saturday and began again bright and early Monday morning. It has also dispatched business at a rapid rate during its sessions.

By Friday evening the evidence of the prosecution in connection with the cell-house matter was nearly all in, and a start had been made on the asylum matter. This week the testimony on the cell-house matter has been completed, and the testimony concerning the asylum frauds is well under way. The course of the defense has been such as to disgust fair minded people. As attorney for the state officers, John L. Webster has taken the leading part, and has cross examined the witnesses. He has taken advantage of every possible technicality to prevent the truth from coming out. The impeachment committee has been obliged to depend on some witnesses who are friendly to the state officers. These witnesses have managed to forget nearly all they knew that was damaging to the state officers. Especially is this true of Bill Dorgan.

His memory seems to have been leaking ever since he was before the legislative committee. To questions which he answered clearly before that committee, he now answers "I don't know," or "I can't recollect." On the other hand every fact or circumstance which could in any way shield the impeached officials he remembers distinctly. And when Mr. Webster reels off a five minute speech in defense of his clients under the pretext of asking a question, Mr. Dorgan very cheerfully and positively answers "yes." The same remarks apply in some degree to Atwood and several other witnesses.

Mr. Lambertson, for the prosecution, has shown the utmost fairness, in his treatment of witnesses. He has in fact been too mild to combat such a man as Webster. But he has succeeded in spite of many obstacles in bringing out facts enough to establish all that was claimed in the articles of impeachment.

It has never been claimed or expected that the real inside facts of the case would be unearthed. No man can hear and weigh the evidence fairly without feeling morally certain that there has been a well planned system of robbery carried out, that the state officers were privy to it, and in some way got a share of the plunder. But the only parties who know such things are members of the gang who are very unlikely to tell what they know.

The witnesses examined up to Friday evening were:

C. C. Caldwell deputy Secretary of State, who brought in vouchers, records reports etc.,

W. H. Dorgan who testified, as far as his memory would permit regarding the whole cell house matter.

Dan Hopkins, who was warden of the penitentiary during last year, and who succeeded Dorgan as superintendent of the cell-house work. He is also the man who spent \$200, with the approval of the board, to pay his expenses to a meeting of the prison congress at Pittsburg.

M. D. Welch, manager of Western Manufacturing association testified that he used about half of all the convicts in his factory and paid only 40 cents per day and only for time actually employed. Also many of the men he used were highly skilled.

The time of the convicts was kept by the guard in charge of them. According to Dorgan's own admission, when a gang of men was assigned to work on the cell-house, the time of the whole gang was charged up to the state whether they worked or not. The testimony shows that time was frequently charged and paid for by the state when

used as an expert in regard to prices of stone and cost of cell-house. He said at a liberal estimate the work done ought not to have cost over \$32,341.

William Randall, formerly employed to receive and unload coal at the asylum, who testified as to the amount of coal received at the asylum.

Without going into the details of each witness's testimony the following is a summary of the evidence in regard to

THE CELL HOUSE.

The legislature of 1891, in order to furnish more room and better accommodations for convicts voted \$40,000 to be used in the construction of an addition to the penitentiary which is now known as the new cell house. The act required that the addition should be built by day's work. This was a concession to the demands of the laboring classes. Most public buildings are put up by contractors who hire laborers at as low wages as possible, and make big profits. The "day's work" provision was intended to eliminate the contractor and make the state employ the laborers directly. It thus became the duty of the Board of Public Lands and Buildings to take direct charge of the construction of this building, to employ superintendents, purchase material etc. and to disburse funds in payment therefor.

It may be well to mention in this connection

THE PENITENTIARY CONTRACT.

The contract system of handling state's prison convicts was adopted by the legislature away back in 1877. The last contractor was H. B. Stout, commonly known as "Boss" Stout, probably the most unscrupulous and successful lobbyist ever in Nebraska, and that is saying a good deal. That contract has been extended from time to time down to the present. The last extension (for ten years) was voted in 1887. By that time Stout had dropped out and C. W. Mosher had taken his place. Also W. H. Dorgan had appeared on the scene as Mosher's first lieutenant. Since that time Mosher and Dorgan have been persistent and successful lobbyists.

As Mosher's time became more and more occupied with gigantic schemes for swindling the people in his capacity as president of the Capital National, Dorgan gradually took his place at the pen and finally in February 1892, Mosher formally assigned the contract to Dorgan as his successor. The terms of the contract at present are briefly: The state furnishes the prison building and pays the contractor 40 cents per day for each convict. The contractor must clothe, feed and keep the convicts, and pay the guards and officers of the prison. He can put in machinery and set the convicts to work manufacturing such articles as he sees fit, or he can let out the services of convicts to others, the contractor of course getting all the income from their labor.

DORGAN FOR SUPERINTENDENT.

Coming back now to the cell house, the board of public lands and buildings on May 4th, 1891 met and hired W. H. Dorgan to superintend the construction of the cell house. Dorgan was at that time in the employ of Mosher, and in full control as Mosher's lieutenant at the penitentiary. The board gave Dorgan full power to adopt plans, purchase material, and hire labor to build the cell-house. The board voted him a salary of \$50 per month. This salary is most suspiciously small. If Dorgan were competent to take full charge of such a work, his services ought to have been worth four times as much as they are. It fact it looks as though the salary of \$50 per month were voted as a mere blind to cover up the real consideration in the case.

Dorgan it seems took the whole matter into his hands, adopted plans for the building, purchased material etc. without any oversight on the part of the board. They simply furnished him the money, and he spent it, and to this day he has never made any full and final report. The only thing in the shape of reports were some scraps of paper pinned together that John L. Webster himself declared were unsigned, never had been acted on, and were not entitled to consideration. The board paid out money to Dorgan in advance in sums as high as \$8,000 at a time.

CONVICT LABOR EMPLOYED.

In direct violation of the spirit of the legislative act, Dorgan acting for the board, employed the convicts to do nearly all the work. For their labor he charged the state \$1. per day.

The testimony of Dorgan himself, and of several other witnesses, showed that outside parties have repeatedly hired convicts of the contractor at 40 cents per day.

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The time of the convicts was kept by the guard in charge of them. According to Dorgan's own admission, when a gang of men was assigned to work on the cell-house, the time of the whole gang was charged up to the state whether they worked or not. The testimony shows that time was frequently charged and paid for by the state when

Address to American Monopolists.

You boast of Independence, Of equal rights of birth, And name yourselves descendants Of men of noble worth. They leaped with sword and rifle Their manhood to maintain, Nor deemed the tax a trifle That tyrants sought to gain.

Your fathers faced oppression, And bled on freedom's soil, They fought to hold possession Of all the fruits of toil. Yet you, who should be haters Of every tyrant's hand, Are numbered with the traitors Who've cursed their native land!

You're false to all your teaching To what is right and just; You've gained by over-reaching, By interest and trust;— You've pulled the land from under The equal heirs of earth; And sun and rain and thunder You hold, for all they're worth.

You sit, as money lenders, And suck the blood of toil; You loil amid the splendors Heaped up by those who toil; You hold the robber stations, And all commercial gates, And gather princely rations By simply fixing freights

Your youngest babes inherit Command of many a slave; And, forced by legal merit, A host their service crave. One infant of the Astors Each month a million draws!— We bow to babbling masters, Enthroned by evil laws.

Monopolize subsistence, The tools, exchange or land, And "freedom" means, existence, To serve as kings command. Whoever then engages To meet his pressing need Must take the proffered wages And be a slave of greed.

But, hear us now, oppressors, We've traced your crafty work: You can't remain possessors, And honest labor shrink; You shall not deed to others The gifts of God to all, And rule for aye your brothers On whom the burdens fall.

The paltry tax our neighbor Old England sought to raise,— A burden light on labor,— Set all the land ablaze. Then think not that the toilers, Deceived and patient long, Will always serve the spoilers And suffer legal wrong. Chicago, Ill. —GEO. HOWARD GIBSON.

convicts were not at work. On one occasion the time of the whole gang was charged up for ten days during which they did not work.

CHARGED IT ALL TO THE STATE.

On one occasion Dorgan purchased brick and fire clay costing \$232 and used them in resetting the boilers used in heating the prison. He also had the convicts do the work, and paid for it all out of the cell house fund, and reported the same to the board. These repairs should properly have been paid by the contractor, and there was no shadow of excuse for spending the cell house fund for such a purpose. The testimony also shows that in a number of other instances the cell house fund was used to pay expenses which could not properly be charged to the state.

THE STONE PURCHASED.

In the purchase of material Dorgan's methods were shown to be even more crooked than in the employment of labor. Shortly after his appointment he began looking around for material. He struck up a deal with one S. H. Atwood the owner of a stone quarry in Johnson county to furnish the stone. Dorgan did not make any effort to inform himself as to prices of stone, or secure competition among quarry men. He agreed to pay Atwood prices that were from two to four times the actual cost. The stone from Atwood's quarry was too hard to work easily, and Atwood bought most of the stone furnished for other men. He bought mostly of J. W. Zook and E. D. Van Court.

These men were all before the court. The substance of their testimony was as follows: Atwood bought of Zook stone "plugged to size" at 10 cents per cubic foot, and turned it in to Dorgan at 35 cents. He bought of Van Court dimension stone at 44 cents per foot, and turned it in to Dorgan at 16 cents per foot. On all stone Atwood furnished from his own quarry he charged Dorgan twice the market price.

Zook testified that he wrote a letter to Dorgan in which he quoted him the same prices he was getting from Atwood, but Dorgan "couldn't remember" having received such a letter. Van Court testified as to prices of stone. He thought the prices paid by Atwood were low, but were market prices at the time. The defense undertook to shield Dorgan by showing that he made the deal with Atwood in May when prices of stone were high, and Atwood bought the stone in January when prices were low. Van Court, Zook and others testified on this point that there was a difference. Perhaps the stone for which Atwood paid 10 cents in January would have been worth 15 cents in May on account of increased demands. This was the stone which Dorgan paid Atwood 35 cents for. Van Court testified that he had never known that kind of stone to be worth over 18 cents.

A number of other witnesses have been questioned in regard to prices but they all agree substantially. The facts proven are that the state was charged eight and ten cents for stone which was worth from 3 to 44 cents; 16 for stone worth 44; and 35 to 40 cents for stone worth 10 cents. Somewhere between the quarry owners and the state, somebody got the rake-off.

COST OF THE CELL-HOUSE.

As sample of the prices set up by the defense, they tried to show that \$2500 would be enough to finish the

cell-house. They claimed that the wall of the old prison on the side where the cell-house joins had to be torn down and repaved which cost about \$2500. If it hadn't been for that the fund would have been sufficient to complete the work. Inasmuch as neither the legislature nor the board had ever laid out any plan for the building, leaving everything to Dorgan, it can be seen how much that plea is worth. In fact it appears that Dorgan deliberately set out to spend \$40,000 in putting up a cell-house worth about \$20,000, and now he comes in with the plea that if he hadn't had to repair the old wall, the funds would have held out!

Several experienced architects who have carefully examined the cell-house as it stands today testified before the court as to what they thought it ought to cost:

Wm. Gray placed his estimate at \$32,341. He allowed liberal prices for material and high wages for citizen labor. Gray's estimate has since been carefully gone over by two Omaha architects who claim that he made errors and miscalculations amounting to \$6,000 which would reduce the estimate to about \$26,000.

C. G. Bullock of Lincoln gave a complete detailed estimate of the work done, showing that the whole building as it stands ought not to have cost over \$18,827.40.

George Jensen, a building contractor of extended experience made a detailed estimate showing that the cost of cell-house as it stands should not have been over \$20,147.20.

These witnesses and several others examined on Monday testified regarding market values of the various kinds of stone used fully confirming the claim of the prosecution.

Architect Fiske of Lincoln, one of the best in the state, made an estimate of the cost of the building completed. He based his estimate on material used and work actually done, and gave all details. He said the entire cost should not be over \$21,270.50. Inasmuch as Dorgan claims that it will take \$2,500 to finish the building, this would make Fiske's estimate of the work already done less than \$19,000.

THAT JUNKETING TRIP.

Dorgan and Hopkins testified regarding the trip taken by Allen, Humphrey and Hastings at the expense of the cell-house fund. Dorgan supplied the \$500, from funds which the board had already paid over to him. Warden Hopkins went with the board and they paid his expenses. They visited and inspected prisons in Kansas, at St. Louis and at Chicago. When they came back no report of expenses was ever made out, nor did they ever tell Dorgan what they had learned regarding prisons, and cell-houses, in short it does not appear that the state ever got anything for the \$500, which the board spent on this trip in direct violation of the law they were elected to administer.

\$200 MORE.

Dorgan also paid out of the cell-house fund \$200 which was used by Warden Hopkins and Chaplain Howe on a trip to Pittsburg to attend a prison congress. The only excuse given for such a use of the cell-house fund was that President Hayes was president of the congress.

HOPKINS SUCCEEDS DORGAN.

In the spring of 1892 some time after Dorgan had succeeded Mosher as contractor of the Pen, the board appointed Dan Hopkins to take his place as super-

intendent of the cell-house. He was instructed to settle with Dorgan and continue the work. He never made any settlement. Dorgan turned over what money he had on hand, a little over \$6,000 and Hopkins took the material off his hands without checking it up. He continued to buy material, at the same prices paid by Dorgan, and followed the same plan generally.

Dorgan has never made a final settlement with the board. He says he was getting ready to make a settlement when the grand jury got after him last fall, but that prevented.

The above is a very brief and incomplete summary of the testimony taken in regard to the cell-house.

The prosecution demand the conviction of Allen, Humphrey and Hastings: 1. Because they employed Dorgan who was already in the employ of the penitentiary contractor.

2. Because of the utterly loose and irregular way in which they did business with Dorgan.

3. Because Dorgan being merely an agent of the board, the members of the board are directly responsible for the squandering of the state's money in paying for convict labor and building stone more than twice what other parties had to pay at the same time.

4. Because they used and permitted to be used in all \$700 of this fund, contrary to law, in paying traveling expenses for themselves and others.

THE SECOND WEEK.

Monday morning the trial proceeded with all the attorneys for the prosecution present. Lawyer Green who had been reported "sick" last week was on hand to take an active part.

On Monday a number of witnesses testified regarding cell-house matters, but their evidence was substantially the same as that already given.

Most of the time has been occupied in taking testimony regarding asylum coal. The impeachment committee is attempting to show that a great many car-loads of coal were charged to the state that were never delivered at the asylum.

The first important witness was Wm. Randall who lives in Valley county. He was employed by the coal firm of Betts and Weaver at the asylum switch to unload coal from the cars. He was afterward employed in the same capacity by the Whitebreast Coal Co. He kept a record of the cars in a little book. In spite of many objections from Webster, Randall gave some very valuable testimony. He said he had entered cars in his book that were never delivered. He did this under the orders of the firm he was working for.

He kept a record of cars by numbers on the cars. On one occasion the firm gave him a slip containing a large list of car numbers, and instructed him to enter them on his book. He did so although the cars were not delivered. Several pages were torn out of his book. He explained that after he had moved to Valley county John Dorgan (brother of W. H. who is connected with the Whitebreast Coal Co.) visited him one night last November, and tried to get this book from him. He refused to give up the book, but tore out five pages containing a summary of all car numbers and gave them to Dorgan. He also testified that cars were hauled to the asylum, and hauled away again without unloading, the same being charged to the state.

A large number of B. & M. freight agents, book-keepers and other employees have been examined regarding the methods of handling freight and the records of the coal delivered at the asylum.

BOOKS LOST.

The first important fact developed was that the principal record books which were examined by the legislative committee have since mysteriously disappeared. The railway men say they have searched diligently but can not find them. It afterward came out that copies of these records had been made, and preserved. The prosecution has proven the correctness of these copies by the men who made them, and offered them in the place of the originals.

The testimony of these witnesses is of such a character as not to be easily understood by persons who are not familiar with railroad book-keeping. It is sufficient to say that, while it may take a good deal of time and labor, the prosecution will sift the records completely and without doubt will fully establish the fact that a great many cars of coal were paid for by the state which were never delivered.

REWICK TOLD THEM.

E. C. Rewick, the man who made the first exposure testified that in February 1892, he told Hastings and Humphrey that frauds were being practiced at the asylum. This is very important testimony as it establishes the fact that officials had notice of the frauds.

Fred Race, book-keeper at the asylum during 1892 went on the stand Tuesday evening, and will probably be on the stand several hours of Wednesday. He is one of the state's most valuable witnesses.

THE APPROPRIATION VALID.

On Tuesday the supreme court commission handed down its decision regarding the appropriation. It holds that the appropriation is valid for \$15,000. The mistake of an enrolling clerk can not invalidate a legislative act.

DESPERATE BATTLE.

TEN THOUSAND BRAZILIANS IN DEADLY COMBAT.

THE SLAUGHTER WAS TERRIBLE.

Four Thousand Government Troops and Six Thousand Insurgents Got Together and Mix It Up in Rio Grande do Sul—Great Determination Exhibited on Both Sides—The Result in Doubt.

VALPARAISO, May 10.—A battle which lasted six hours was fought last Saturday near Uruguayna, Rio Grande do Sul, Brazil, in which 4,000 government troops and 6,000 insurgents were engaged. Conflicting reports have been sent out concerning the result of the engagement.

The contest began about noon and lasted until nightfall. Great determination was displayed by the soldiers in each army. Charge after charge ordered by Generals Hipolyte and Sima, who commanded the two wings of the government forces were repelled by the insurgents. The slaughter was terrible. Men on each side fought with the knowledge that the result of the combat would probably settle the fate of the revolution, the insurgents being the more desperate because they realized that should they win the victory thousands of secret sympathizers would openly join their ranks and fight for their cause. Without decisive result for either army the battle raged until near nightfall. Although the insurgents far exceeded the government forces in number they were not so well equipped or well disciplined.

As the night approached the revolutionists attempted to withdraw to a better position, but the movement had been foreseen by the commanders of the government army, who threw all their forces against the retreating revolutionists, and turned the defeat into a complete disaster. The attack in the rear, according to the report telegraphed from Buenos Ayres, demoralized the revolutionary forces, and they ran before the advancing government army as fast as possible.

ABSOLUTISM FOR GERMANY.

The Young Kaiser Declares That He Will Have His Way.

BERLIN, May 10.—While reviewing the troops at Tempelhof the German emperor directed the imperial guard to gather around him and addressed them as follows: "I have been seriously disappointed in the patriotism of the late reichstag. I hope the coming reichstag will adopt the military bill, but if it refuses to adopt it I am determined to carry the bill into effect despite the unpatriotic opposition. I know myself that I am alone with the federated princes and the people."

The emperor's concluding words in addressing his officers were: "I felt the necessity to tell you candidly my decision, as I told you my hopes when the bill was first proposed."

The officers who heard the emperor's words maintained absolute silence, although evidently in deep sympathy with the emperor's views. The speech causing enormous excitement among the people. There is a profound and widespread impression that the emperor would not hesitate to risk a conflict with the new reichstag should it prove hostile to the bill.

NEW LEADERS IN THE FIELD.

The Republican National League Meeting Likely to Be a Lively One.

LOUISVILLE, Ky., May 10.—Business houses and public buildings are decorated with flags and bunting and the city is assuming a holiday attire while the hotels are fast filling with incoming Republicans from every part of the country, gathered for the meeting of the national league of Republican clubs here to-morrow. The principal events of the week will be the election of officers for the ensuing year of the Republican national committee; of the national Republican league and of the American Republican college league.

In the national Republican league there will be a lively contest for the presidency. The candidates now in the field are W. W. Tracy of Springfield, Ill., president of the Illinois state league; W. I. Squire of Toledo and J. Strat Fassett of New York. It is also said that J. S. Clarkson will not be a candidate for re-election, but this has not been formally announced. Ex-Senator Spooner of Wisconsin will also make a bid for the office of president.

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