THE SWISS REPUBLIC.

How the Free Mountaineers of the Little Republic Govern Themselves.

THE "INITIATIVE": AS IT IS.

A Lesson for the Voters of America to Study, and a Pattern for Them to Follow.

A Great Problem Solved.

The initiative may be defined as the right of a voter, or body of voters, to initiate proposals for legislation. The amendment incorporated into the federal constitution of the Swiss confederation on the 7th day of July, 1891, makes this right applicable:

When 50,000 voters demand the abolition or enactment of special articles of the federal constition.

A federal law to regulate the practical application of this principle was passed on the 27th of January, 1892.

It is to be noticed that, although the initiative is made to apply only to constitutional amendments, the line of distinction between statute law and common law is so loosely drawn in Switzerland that the people will be able to initiate proposals for legislation upon almost any subject.

The initiative is the necessary corollary of the referendum, by means of which laws framed by the representatives must be submitted to the people for final acceptance or rejection. Both institutions are mediums for the expression of the popular will, from different points of view. The referendum is a passive force; it says merely "aye" or "nay," and is essentially judiciary in character. The initiative, on the other hand, is an active, creative force; it supplies the progressive element in the process of legislation, while the referendum acts as a critical, controlling check upon the adoption of laws. Taken together, these two institutions form the most perfect contrivance for the conduct of self-government. They create a sort of political pendulum which carries certain expressions of the public will directly from the people to the legislature, and back again to the people for their verdict.

In the United States how can a question which has not yet entered the domain of "practical politics," be brought into the channels of legislation? The most obvious method is by electing a representative pledged to lay before the house a bill incorporating the desired reform. This would be extremely difficult under our present system of entire disfranchisement of minorities in the matter of representation. But if, perchance, the representative be secured and the bill introduced, it may not even be noticed, much less discussed.

Two other courses are open—petition and bribery. The second of these I dismiss, as useless to those who are striving for a clean government. Petition is often resorted to; but the signatures of the sovereign people are rarely treated seriously by politicians, when attached merely to requests, and unaccompanied by a direct command.

The privilege of petition must not be confounded with the right of the initiative. The latter is a demand made upon the government by a body of voters to discuss a certain project and return it to the people for final approval or disapproval. The authorities are obliged to take into consideration, or to draw up a bill of their own incorporating the same principle.

At present seventeen Swiss cantons out of twenty-five have incorporated the initiative in some form into their constitutions; and as the federal government has now followed, it cannot be long before the entire confederation will be governed upon the same principles.

The Swiss statesmen have solved one of the great political problems of the age—how to enable great masses of people to govern themselves directly. Ever keeping in view the system of the popular assembly, which is ideally perfect and is eternally grounded in the nature of man, they invented the initiative and referendum, and grafted them upon the representative system; thus rescuing the essence, the vital principle of the popular assembly (or "town meeting") from perishing miserably before the exigencies of modern life. For in its last analysis the process of the initiative and referendum is simply this: A given number of voters propose legislation, through the medium of the government, to the whole body of voters; the act being identical with that of the voter who rises in the popular assembly to propose a motion to his fellow voters.

Beside the elementary simplicity of this method of legislation, the stateliness of a house of commons or the pomp of a house of lords, the military display of the reichstag, or the oratory of the chamber of deputies, seem tawdry and tricky makeshifts. The very smartness of our house of representatives and the much vaunted (but fast vanishing) respectability of our senate, seem empty shame, unfit for freemen to acknowledge, much less admire. For it is only in uncertain accents and with faltering purpose that the will is made known in those imposing but deceptive bodies.—Arena.

LOOTERS TURNED LOOSE.

The Nebraska Supreme Court and Its Unholy Decision.

Monday evening at 4 o'clock the supreme court handed down its decision in the impeachment cases, exonerating the officials and declaring that they were not sufficiently culpable to deserve punishment. It should be said to the honor of Judge Maxwell that he dissented from the findings of his confreres, and raised his voice for conviction and removal from office, he finding that the officials were guilty in every case as charged.

The two assenting justices "beat the devil about the stump" in great shape in their hustle for an excuse for clearing the culprits. Among other things they say that "where an act results from a mere error of judgment or omission of duty" the act is not an offense within the meaning of the constitution. Possibly that is true as regards "an error of judgment," but if an official is not punishable for an omission or failure to perform a manifest duty, one that he is elected to perform, something should be done to remedy the evil. Under this ruling, logically carried out, an officer may perform the functions of his office or he may leave it alone, just as he pleases, and the people of the state must grin and bear it. Carrying out this line of argument the opinion says: "An officer is not liable for a judicial act except where he acts willfully, maliciously, or corruptly," therefore they are not amenable to punishment for wrongs done the people of the state through ignorance of their duties, carelessness, or "omission of duty." Under this ruling the state would have no recourse if an officer elected to fill a certain position proved incompetent to perform the duties entrusted to him, or if not incompetent, would devote his time and energies to his private affairs and let his public duties take care of themselves.

But the officers do not escape Scott free. The court jumps onto them with with both feet, and cries out wildly in its shame and indignation, when it comes to dealing with that part relating to the payment of a dollar a day for labor. The opinion shows that there was a well-defined suspicion in the minds of the court that the state had been defrauded in this particular, but the evidence did not show that such was the case. But taking it all together, and arguing it up this side and down the other, the court came to the conclusion that there was no fraud, because Mosher had the contract for the prison labor and wouldn't come down even one cent on his price of a dollar a day, and "the prison rules forbade the employment of free laborers within its walls." Some people may be so inconsiderate as to suggest that the prison rules might have been so amended as to allow "free laborers" to be employed within the prison walls so that they might compete with Mr. Mosher's dollar-a-day convicts. In the act appropriating the money for the cell house we find this language:-"Building new cell house by days' work, $40,000." That shows where the legislature was ignorant of "the prison rules that forbade the employment of free laborers within the walls." The legislature deserves the rebuke administered to it. What business had it to go blundering along making laws that would seem to conflict with the prison rules evolved by Mr. Mosher and the warden of the penitentiary? It might have resulted in flooding the pen with "free laborers" at less than a dollar a day and reduced the morals of the prison—from Mr. Mosher's standpoint.

We come now to a consideration of the charges under article ii, the first of which is the conversion to their own use by the respondents of $500 of the cell house fund. In this connection it is necessary to again examine the appropriation in question. It is doubtful if the history of the state presents another such an instance of reckless legislation as the appropriation of $40,000 without direction even as to the quality and dimension of the building provided for, or as to the manner in which the money should be drawn or disbursed.

The above quotation is the crowning glory of the opinion. The legislature didn't tell the board of public lands and buildings that they mustn't appropriate the $40,000 to the use of the board, therefore it was not a misdemeanor for them to appropriate some of it. This will be quite interesting to the farmers of the state and will relieve them of great trouble and anxiety. They will be rejoiced to learn that if they leave a horse in the pasture over night and fail to tell the midnight marauder that he mustn't touch it, they have no kick coming if the horse is gone in the morning.

A great code of morals that decision would make if it was properly amplified.

Taken as a whole the decision is an unique affair and would be a pretty thing among the family bric-a-brac if the strong odor of lime which clings to it could be pulled out.—Weekly Unionist.

Betts Goes to the Pen.

The first case against the Lincoln asylum boodlers has resulted in a verdict of guilty. Gorham Betts, of the firm of Betts & Weaver, on Monday evening was found guilty as charged, the jury taking only one ballot. The charge against Betts was getting over $500.00 from the state under false pretences for coal that was never delivered

The other cases against the remaining asylum boodlers will doubtless be called up in a short time and it is thought they will go with Betts.

Let all the people say "Amen."

AMONG OUR EXCHANGES.

If the great financiers who claim to know so much about the money question can't run the finances of the government without wrecking it they had better have the thing put into the hands of a receiver.—Our Own Opinion.

The banks are breaking everywhere,
The people growl and fuss and fret;
But one thing drives away despair,
We have the tariff yet.

T. H. TIBBLES.

A Norfolk pension agent named Drewery has been arrested on a charge of wholesale pension swindling. It is claimed that 166 cases of fraudulent pensions are charged to him, amounting to $100,000; and of course he got the money instead of the old soldiers. A year ago secretary Noble heard of the case, and stopped three pensions: but did he stop Drewery? The question now is, what was Noble doing all this time.—Coming Crisis.

It is impossible to even conceive of the rapidly increasing strength of the people's party. From every point of the compas there comes to this office papers teeming with articles upon economic questions and which point to this great commonwealth for its highest tribunal and the party responsible for the action of the impeached officials, has dropped to the lowest ebb.—Wahoo New Era.

MOSHER'S MAGNANIMITY.

He Forgives the Nebraska Press for Roasting Him.

The magnanimity of C. W. Mosher is truely wonderful and is only equalled by his purity of purpose and his desire to bring poor fallen humanity up to his own standard of morality! In an interview in Chicago a few days ago with a correspondent of the Omaha Bee he endeavored to pose as a much abused and greatly harrassed man. Among other impudent things he said: "I have been sadly misrepresented by the Nebraska press; still I do not blame them." If Mr. Mosher has been misrepresented by the press of this state it has been on the side of misplaced leniency. The Nebraska press has been entirely too easy with him, and not a paper in the state has painted him as black as he really is. There has been so much sickening fawning by certain people over this arch bank wrecker that it would not be at all surprising if he not only asserted but really believed that his culpability was summed up in the way he loves to express it, "an error of judgment." If Mr. Mosher is the victim of an "error of judgment" ordinary humanity will be apt to wonder if the error didn't consist in failure to steal the building into which he lured his pigeons for plucking. Then with a deprecatory wave of the hand and the smile of an innocent led to the slaughter he rounds up his remark in the following guileless manner: "Or, as my enemies would put it, my crime." Some people will be pleased to learn from Mr. Mosher that it is not a crime to steal $800,000 or thereabouts from his "enemies," or, as the unholy would term them, depositors in his bank—and will undoubtedly cease to think harshly of him as they sit down to a breakfast of corn pone and bacon, thanks to his "error of judgment." Mr. Mosher's is a saintly and forgiving disposition, but the people of Lincoln sincerely hope there are no other financiers in the state afflicted in the same way.—Weekly Unionist.

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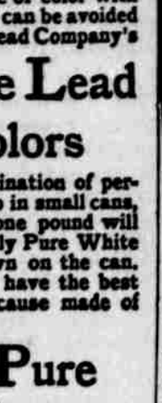

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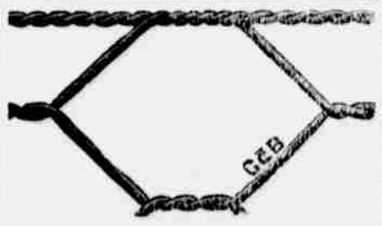

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