

sum that he did not care to accept. At Mr. Bryan's suggestion the money was given to Mrs. Bennett in trust for him instead of being given direct to him, and that provision is now being contested by the widow and other residuary legatees. If the sum had been given directly, as Mr. Bennett intended when he proposed it, there would be no ground for contest, but an attempt is being made to take advantage of the indirect form of the bequest. If the \$50,000 clause is invalid as a trust, one-half of the sum will go to Mrs. Bennett, one-fourth to Mr. Bennett's sister, and one-fourth to Mr. Bennett's half-brother—these being the residuary legatees.

The contest was not mentioned to Mr. Bryan until nearly two months after the death of the testator, and the widow and heirs were at once informed that Mr. Bryan would not accept the money without the widow's consent, but that in case of objection from her, he would distribute the sum according to the expressed wishes of Mr. Bennett. While the question involved in the case is purely a legal one, and a very technical one at that, namely: whether under the Connecticut decisions the will and the letter together establish a trust, yet hostile newspapers, for political purposes, have sought to attack Mr. Bryan's connection with the will as viewed from the standpoint of morality. It has been charged that Mr. Bryan is trying to cheat a widow and other relatives out of their rights. Now, what are the facts? According to the will the widow is to receive \$75,000 as a specific bequest, and as residuary legatee is to receive an additional sum estimated by Mr. Bennett at \$25,000. This Mr. Bennett declared in his letter to her would give her a larger income than she could spend and enable her to make bountiful provision for those whom she desired to remember in her will. Mr. Bennett's sister is to receive a specific bequest of \$20,000, and her part in the residuary sum is estimated at \$12,500. The sister's only daughter received a specific bequest of \$1,000. A half-brother is to receive a specific bequest of \$12,500, and his part in the residuary sum is estimated at \$12,500, while his wife received a specific bequest of \$3,000—\$161,500 thus going to the persons who are contesting the will.

The sum left to Mr. Bryan, on condition that he would accept it, was not taken from any of the relatives nor are they the poorer for his being named in the will. If the sum had not been given to him, the testator would have distributed it among public institutions. Mr. Bennett made it clear in his will and in his letter to his wife that he had given to his relatives all that he intended them to have. That he acted within his legal rights in not giving all of his money to his relatives is not disputed; whether he treated his relatives fairly or not is a question which he could decide better than anyone else, because no one knew as well as he the relations existing between him and his kinfolks or could estimate as well as he the use they would make of money left to them.

The unfriendly newspapers have also intimated that Mr. Bryan secured the bequest by exerting an undue influence over Mr. Bennett. This would be a serious charge if true, but the evidence shows that Mr. Bennett traveled fifteen hundred miles on his own initiative for the purpose of having the will drawn and that the proposed bequest came as a surprise to Mr. Bryan. The evidence also shows that the will, while drawn in Nebraska, was executed in the city of New York at least two days after Mr. Bennett had departed from Nebraska. Mr. Bennett, after executing the will, deposited it in a vault in New York where it lay for more than three years, Mr. Bennett alone having a key to the vault-box. During this period Mr. Bennett referred to the will but once by letter (the letter will be found quoted in the argument) and never otherwise so far as Mr. Bryan can recall. During that period of more than three years Mr.

Bryan did not see Mr. Bennett more than two or three times a year on an average, while Mr. Bennett was with his wife constantly and with his relatives frequently. No one can say with any truth that injustice is being done to the widow or relatives, neither can it be doubted that Mr. Bennett's act was free, voluntary and deliberate.

The only question of a moral character which can arise is: Should Mr. Bryan have given a conditional acceptance (as he did) to the proposed bequest, or should he have refused it absolutely? To decide this question intelligently the reader must know all the facts, and those that would assist one in reaching a decision are presented herewith:

Mr. Bennett, a childless man, had by his industry, ability and integrity accumulated a fortune of about \$300,000—\$100,000 more than he desired to leave to his widow and relatives; he was and had been for years deeply interested in political questions and earnestly devoted to democratic principles; after distributing \$30,000 among educational institutions and giving more than \$20,000 for other purposes of a public nature, he set apart \$50,000 for the advancement of his political principles through Mr. Bryan if the latter would accept it, otherwise for educational and charitable institutions.

Mr. Bennett knew that Mr. Bryan was devoting his life to the study and discussion of questions of government and was endeavoring to secure the triumph of the political principles that were dear to Mr. Bennett's heart; Mr. Bennett knew that Mr. Bryan, because of his presidential campaign, was in position to labor in a wider field than Mr. Bennett could hope to do, although Mr. Bryan could not surpass him in zeal or earnestness. Mr. Bennett also knew that Mr. Bryan's political work not only placed him under obligations that compelled a large annual outlay of money, but at the same time restricted his power to accumulate. Mr. Bennett was aware that the money, if accepted by Mr. Bryan, would enable the latter to devote a larger part of his time to unremunerative labor of a public character. Was it, under the circumstances, wrong for Mr. Bryan to accept the bequest conditionally?

Since 1896 Mr. Bryan has given nearly as much, if not quite as much, time to work that brought no compensation as to work for which he received pay, and a large part of his expense account is chargeable to the public nature of his work. During the nearly seven years that have elapsed since 1896, he has given in cash more than \$20,000 to political organizations and more than \$12,000 to education, charity and religion, while his net savings amount to something like \$45,000, more than half of which sum is invested in his home and household goods and is therefore not income-bearing. With the exception of the campaign year of 1900 and the war year of 1898 (during nearly half of 1898 he was in the army) there has not been a year since 1896 when he could not have made more than the Bennett bequest had he abandoned political questions and devoted himself entirely to money-making. His failure to make as much as he might have made is not a matter of regret to him, because he has derived more satisfaction from his political work than he could have done from a course which, however remunerative, would have taken him away from the consideration of public questions, but reference is made to the matter for the purpose of showing why Mr. Bennett desired to make this bequest and why Mr. Bryan felt constrained to accept it on condition that he needed it at the time of the testator's death.

Before there was any intimation of a contest, Mr. Bryan had notified Mrs. Bennett of his intention to regard the sum as a fund for the payment of work to be done for the public, his plan being to deliver without compensation enough lectures in college towns to make up the sum of \$50,000 at the price which he usually receives from

lecture bureaus, and this plan will be carried out whether the money is received or not, because Mr. Bennett did his part, and if the bequest fails, it will not be through any fault of the testator.

If the readers of *The Commoner* are surprised that Mr. Bryan's savings have not amounted to more during the last seven years, they must remember that the republican papers have had a political motive for attempting to exaggerate his income and his possessions. *The Commoner* itself has been described as a bonanza, whereas owing to the low subscription price and the exclusion of trust advertisements and other objectionable advertising, the income from the paper has been considerably below what it might have been had it been run with an eye single to profit. During the nearly three years covered by the existence of the paper, Mr. Bryan has not felt justified in drawing out more than about \$5,000 a year, the balance being held in *The Commoner's* reserve fund as a guarantee that each subscriber will receive his paper during the period covered by the subscription.

As Mr. Bryan stated in the argument before the court, he has no choice left him but to carry out the wishes of the testator even though to do so he must come into conflict with the relatives of the deceased and with an attorney who is not in sympathy with the political views held by Mr. Bennett while he lived and still entertained by Mr. Bryan.

Wearry Republican Editors.

The St. Paul (Minn.) Dispatch is a republican paper. The Dispatch seems, however, to have grown weary of the methods employed by republican leaders in the treatment of the tariff question. In a recent editorial, the Dispatch, referring to one of Secretary Shaw's addresses in Ohio, says that the portion of his remarks sent out in the press reports contain "nothing but arguments that have been worn threadbare."

According to the Dispatch, Mr. Shaw "stands with the ultras and irreconcilables. He heckles the old home market straw again as if it made a particle of difference where on this globe men ate." The Dispatch points out that "months must be filled whether they open in Austria, Italy, or Germany and no law yet has been found to prevent steady multiplication of these entrances to hungry stomachs. Whether the bread made from wheat grown in Minnesota is eaten in the United States, the United Kingdom or on the continent, affects not a penny the price the farmer who raises the wheat gets for it. Time was when farmers thought it did. That day is about passed."

The Dispatch explains that it is inclined to credit Secretary Shaw with a desire to protect the "great basal industries of the country from the reactions of crazy speculators first upon the banks and then upon business." But the Dispatch says Mr. Shaw's course lays him open to the charge now being made by the opposition press that he merely sought to save the speculators from the consequences of their own folly; that Mr. Shaw accepted state and city bonds for deposited securities; segregated internal revenue by a trick in bookkeeping; held it out of the treasury whence under the constitution it could only be drawn by appropriation; refunding maturing bonds, prolonging debt and interest paying.

The Dispatch declares: "Only a tariff laid for other ends than revenue could create conditions which would render such financing possible. And that tariff the secretary holds unimpeachable; a veritable bull Apis which no unsanctified hand must profane. He thus leads the justification of his actions to the suspicion that he was more interested in the Street than the people."

And then this republican paper, in a burst of candor, says: "Thus the republican party, dominated by the beneficiaries of special privilege, is compelled to lose an opportunity to close the