

SMITH

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BUILDING NEBRASKA'S CAPITOL

1929

Journal,
Jan. 26

1929

336.45

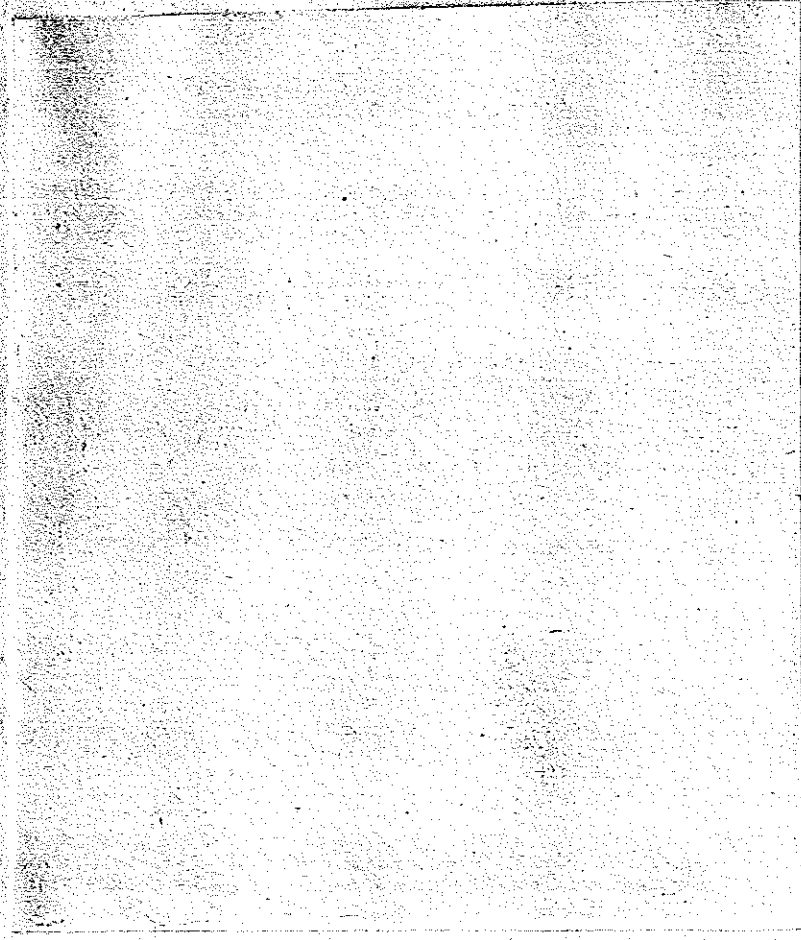
Neb.

#208

Cost of Capitol to date.

NEBRASKA LEGISLATIVE
REFERENCE BUREAU.

978.2651 N276
1929 C.2



COST OF STATE HOUSE TO DATE IS \$8,200,858

Jan. Jan. 26, '29
Estimate \$1,000,000 for
Completion of Con-
struction.

TO BID ON WORK IN MAY

State Owes \$441,403 on
Work Underway—Total
of \$7,759,455 Has
Been Paid.

Expenditures to date on the state capitol have been \$8,200,858, according to figures released by W. L. Younkin, supervising engineer in charge of the construction. This total includes all the work on the structure with the exception of the fourth section which consists of construction of the house of representatives chamber on the west side of the building, and the landscaping of the grounds.

When the building is completed and turned over to the state it is estimated by those in charge of the work, that the building will cost less than the \$9,500,000 allowed by the statutes.

A "pay as you go" system has been maintained thruout the construction of the building. Collections to yield the money under the legislative appropriation on the third section which includes the tower have not been made in full, but will be sufficient to pay the total encumbrance.

Cash paid by the state as of Dec. 31, totaled \$7,759,455, while the amount due but unpaid for the same date was \$441,403. The latter amount includes the \$49,000 contract let for the installing of marble wainscoting on the side halls on the first and main floors. This work is now nearing completion.

The total estimated cost of the structure, including the landscaping but not the planting of the grounds is \$9,200,858. It is estimated that \$1,000,000 will cover the construction of the fourth section.

Construction work began on July 15, 1922, with the breaking of ground for the foundations. In order to save the state expense the outer fringe of the building was first built, surrounding the old state house. With the completion of the offices, the officers moved their quarters to the new building and the demolishing of the old structure began. A separate contract amounting to \$34,000 was let for the hauling away of material from the old state house.

The construction work proceeded under four separate contracts for different parts of the building in order to avoid a bond issue by the

ing the dull glazed tile that will cover the exterior dome is now braving the elements on the New York sky-line above the roof of the architects' offices and under their observation.

"Specifications, and ground studies are now being made in preparation for the fourth and final section which will complete the building and landscape the grounds. Furnishings will be provided outside of the general contracts. May 2, 1930 has been tentatively set as the date for receiving bids on the fourth section.

"The architects recently met with the commission and discussed their preliminary sketches of the enlarged house chamber which will be the major item of the final construction. Landscaping of the grounds which will include the removal of the tracks and buildings will be in this contract."

under separate contracts for different parts of the building in order to avoid a bond issue by the state in meeting the whole expense of the building at one time. The cost of the sections are as follows:

First section	\$2,563,468
Second section	3,026,421
Third section	1,275,612
Fourth section (estimated) ..	1,000,000

The first section included the outer wings, plumbing, electrical and several miscellaneous items. The second section included the interior wings, foundations for the tower, and the house of representatives chamber. This chamber was used by the house during the last legislative session, but proved too small, and so the plans of the structure were changed and in the future this will be used by the senate. The house will occupy the larger chamber to be constructed on the west side of the building and which will be nearly double the size of the eastern chamber. It will be 70x72 feet.

The third section included the erection of the tower, and the installing of the decorative tile and marble used in the Memorial room at the top, and also a thirty foot bronze statue which will surmount the tower.

The fourth section will include the construction of the house of representatives chamber, and other work on the west wing, together with the landscaping of the grounds. Included in this appropriation will be the reroofing of the terrace surrounding the building, which has proven faulty. The cost is estimated near \$50,000 and was recommended by the commission appointed by the governor following a declaration by a former state engineer that there were numerous defects in the construction work, and material used in the building. The general substance of the charges against the capital commission were found unsubstantiated.

The report of the commission on the status of the construction work is as follows:

"The third section of the new Nebraska capitol is now nearing completion. All the activity is now confined to the interior where marble work, elevator installation, hardware installation, and interior decoration constitute the major portion of the activities.

"The interior dome above the Memorial room on the fourteenth floor has been recently completed and marble setters are now lining the octagon walls of this room with marble which will extend to the springing line of the dome. Glazers are now installing glass in the outside windows of the octagon.

"Specifications are now prepared for the special lighting fixtures for the interior dome and turrets and other locations in the third section. Bids on these will soon be advertised.

"The four tower elevators are now completely installed with the exception of final adjustments and balancing and installation of the interlocks, door openers, etc. They will be ready at the same time the third section tower rooms are ready for acceptance and occupancy.

"The bronze statute of 'The Sower' is now completely cased in Long Island, New York, and will be shipped as soon as it is practical to erect, depending upon weather conditions.

336, 45'

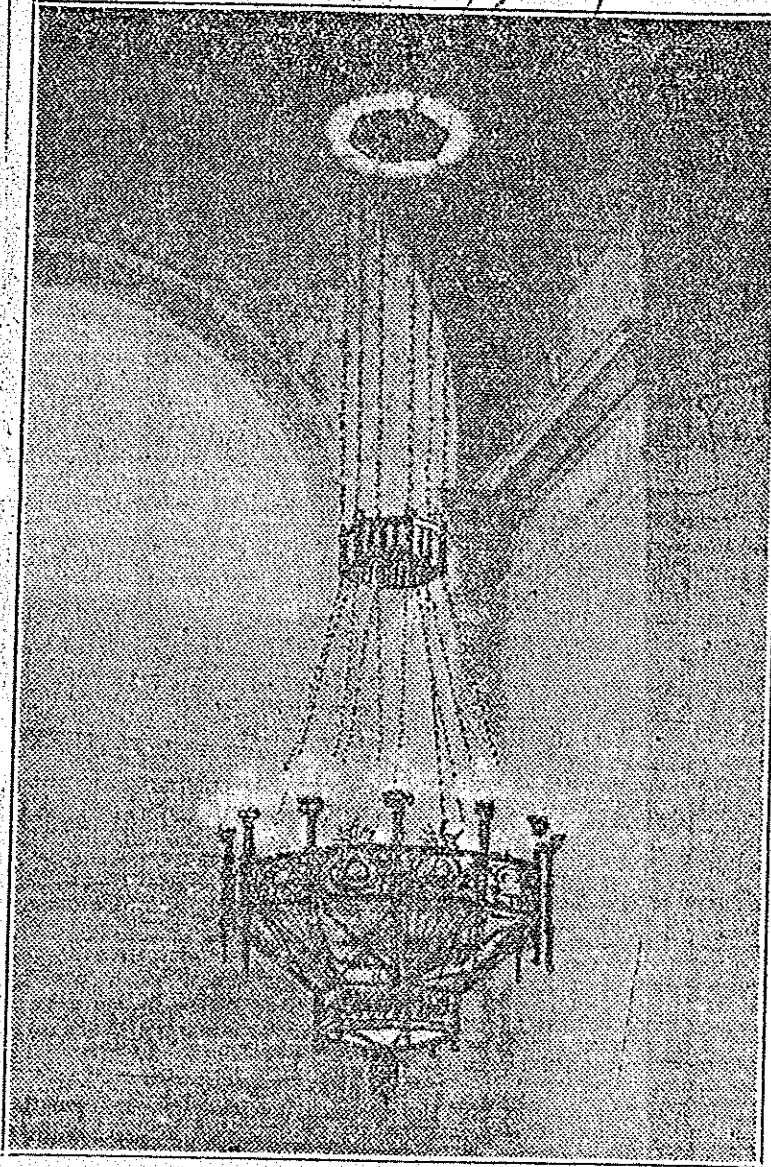
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#209

Journal, January 27, '29

A 3,500-Pound Chandelier Is Feature of New Capitol Rotunda

January 21, '29



—Photo by Bucklin.

The bronze chandelier, which has just been hung in the rotunda of the capitol is lighted every night, and adds to the charm of this very beautiful central portion of the structure. The fixture weighs 3,500 pounds, aside from the chain on which it hangs, and is eight feet in diameter. The peak of the dome is 112 feet high, but the chain which supports the chandelier will allow it to hang about thirty feet above the floor. Near the upper part of the chain is a ball of sixteen lights, which illuminate the dome and the colonnades. The main part of the chandelier has 120 frosted lights, arranged in clusters.

NEBRASKA LEGISLATIVE
REFERENCE BUREAU.

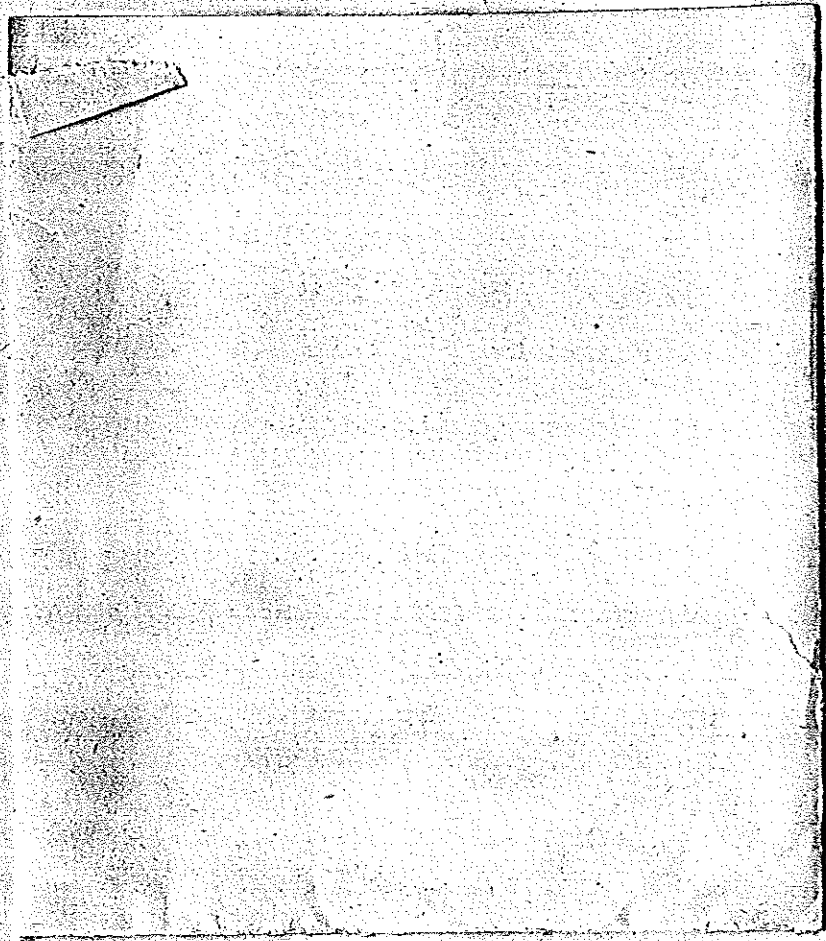
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#210

New Nebraska
Capital

NEBRASKA LEGISLATIVE
REFERENCE BUREAU.



NEBRASKA STATE

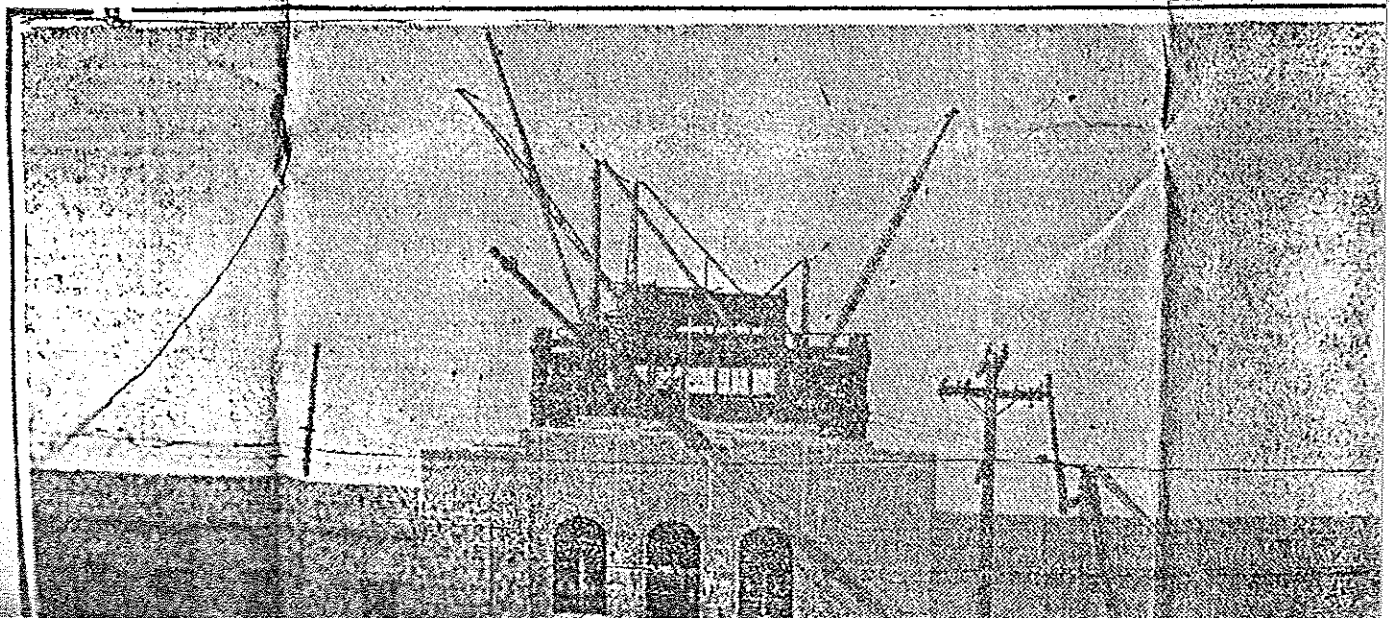
One of the World's



NEBRASKA'S NEW CAPITOL under construction is fast attracting the attention of the architectural world. Its exterior has not reached the imposing stage, but it draws to Lincoln visitors from all over the country. Those who are able to gain entrance to the central portion where workmen are still busy are amazed at its grandeur and beauty. Portraits of the exterior drawn by the architects show the monumental and imposing features which the beholder of the works at this time cannot visualize. These pictures have gone over the world heralding a new type of architecture springing from the midst of the American continent.

Without the tower and one section of the superstructure the building now resembles a huge memorial, half formed. A tower 400 feet high surrounding the pile will eventually finish the picture which the architect had in mind when he designed what is admittedly his masterpiece. Bertram C. Goodhue, architect, died before the construction was half-finished but his associates have completed the plans as originally intended.

The contract for the third section, which includes only the tower above its present level, may be



TATE CAPITOL

's Finest Buildings

a balustrade and walk which sightseers may approach from stairways. If a visitor should fall overboard from that position he would make quite a splash upon the floor below which will contain pictures in tile. The vaulted ceiling will also be of art tile.

Representative hall east of the tower is fast approaching completion. Indian scenes are depicted in art tile in the ceiling of this great chamber, a council of aborigines being the central picture. Behind this chamber a great two storied lounge with vaulted ceiling is now only partly finished. The capitol commission will hand this legislative chamber over to the house of representatives at the coming session in 1929, but plans to build a larger chamber west of the tower and give it to the house members and assign the senate to the chamber originally planned for the house.

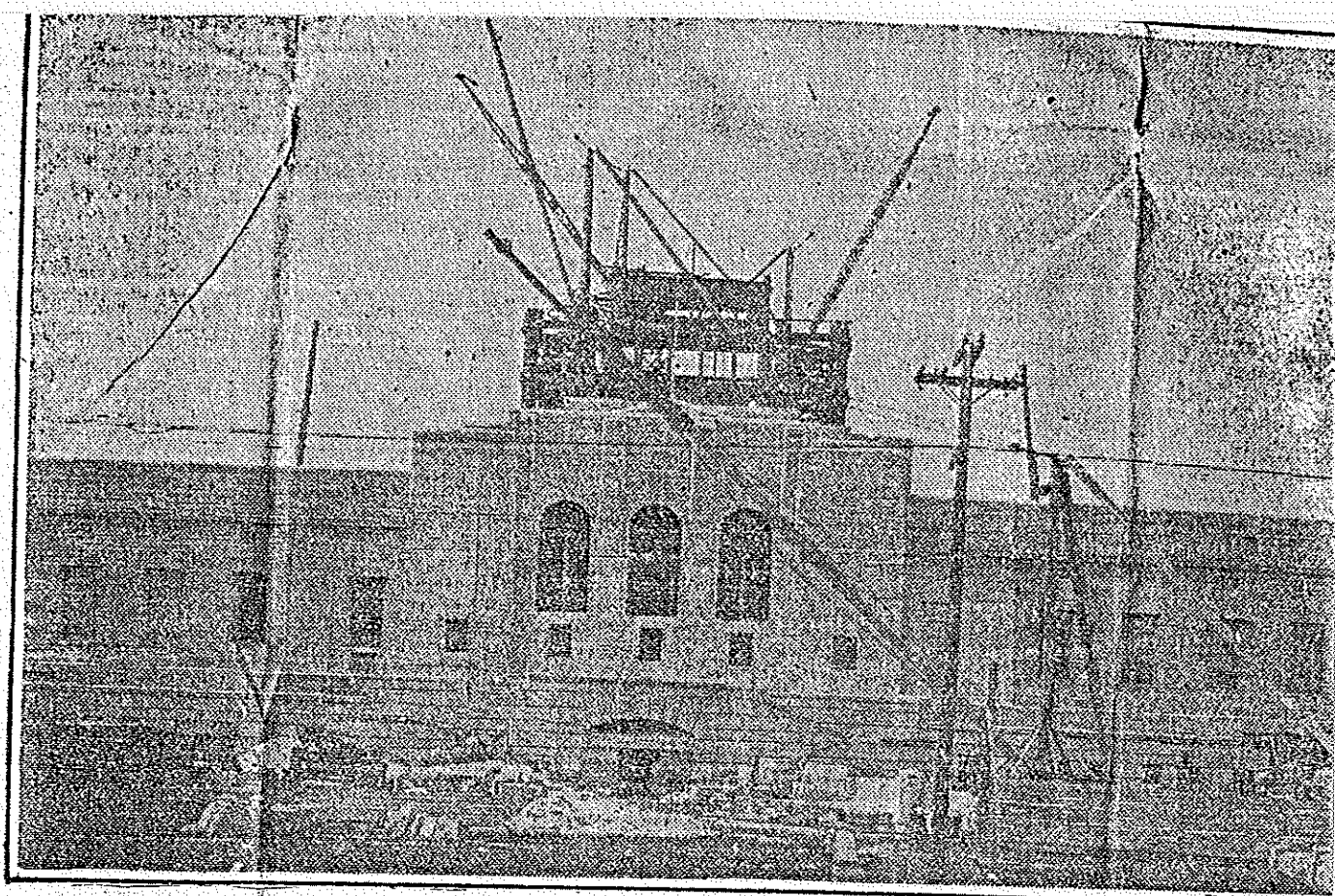
CAPITOL COSTS

First Construction	
W. J. Assenmacher Co.	\$ 234,129.94
W. J. Assenmacher Co. Extras	187.10
J. H. Wiese Co.	1,389,772.68
J. H. Wiese Co. Extras	1,760.54
Robt. Parks Co.	216,437.17
(Henry Struble Cut Stone Co.)	
Indiana Limestone Co.	561,806.64
W. G. Cornell Company	48,934.14
Otis Elevator Company	4,434.71
Total paid	\$2,547,162.92
Sculptor work and carving	
contract incomplete	20,005.70
Total First Construction	\$2,567,168.62
Furnishings and Decorations	
Linoleum	\$ 23,477.40
Window Shades	7,495.00
Book Shelves	2,524.21
Lighting Fixtures	26,015.21
Mural Paintings	14,550.00
Furniture and Carpets	3,957.00
Total Paid	83,018.82
Lighting Fixtures for 2nd Section under	
contract to be paid	48,000.00
Mural Paintings under contract to be paid.....	33,950.00
Total Furnishings and Decorations.....	\$164,968.00
Wrecking Old Building	
Wrecking	\$54,700.00
Less credit on material	20,000.00
Net cost	\$34,700.00

Moving dirt to fair grounds.....	14,942.61	
60% to be paid by Cap. Comm.....	8,965.57	
40% to be paid by St. Bd. of Agri.....	5,977.04	8,965.57
Total Wrecking Old Building....		\$43,655.57

Second Construction	
J. H. Wiese Co.	\$1,157,640.18
Indiana Limestone Co. (H. Struble	
Cut Stone Co.)	477,739.30
Schricker Electrical Co.	3,809.30
Otis Elevator Co.	4,000.00
Indiana Limestone Co.	82,823.39
B. Grunwald, Inc.	81,578.04
Newberg & Bookstrom	79,870.50
Estimate on Extras	
Court Room No. 2	
Air Filters	
Total Second Construction	\$1,887,461.21

Architectural Expenses	
B. G. Goodhue	\$ 117,191.00
B. G. Goodhue Associates	35,500.00
Competition	27,054.48
Thos. R. Kimball	3,268.90
Architectural Costs	139,119.24
Meyer Strong & Jones	17,969.60
Jarrett-Chambers Co.	15,263.47
Quantity Survey Co.	12,500.00
Foundation Tests	7,328.46
Material Tests	3,763.15
Total Architectural Expenses	\$ 378,958.30
Total Paid	\$5,042,532.52

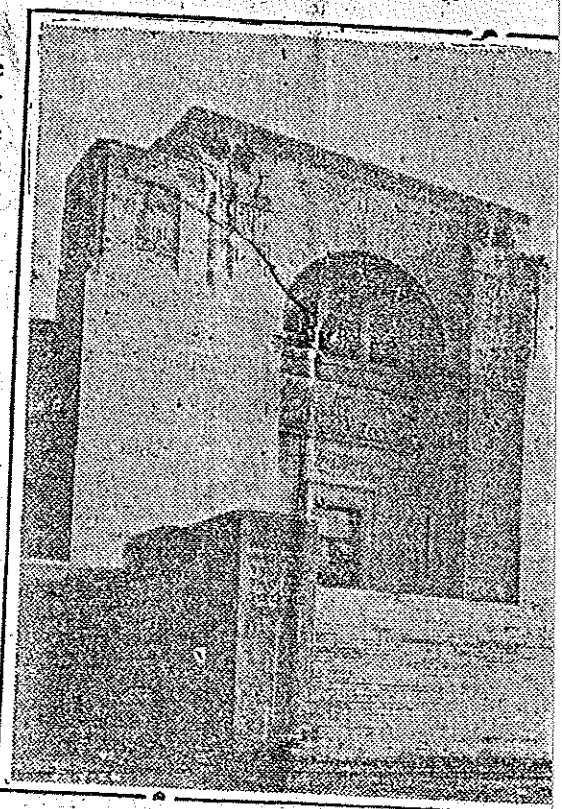


awarded sometime this fall by the capitol commission. The fourth contract, for construction of one legislative chamber and all above the foundation west of the tower, will be awarded at some indefinite time. Landscaping of the grounds, building of a heating plant on some location far removed from the capitol, and decorations and furniture are yet to be provided for. The commission, headed by the governor, is not able to predict the date of completion of the building. Some place it four years hence. The work has been in progress a little more than five years. The corner stone was laid November 11, 1922.

The cost of the building, including wrecking the old building, architectural fees and everything now in place is a little more than \$5,000,000. Balances on contracts for the first and second sections will bring the cost up to a little more than \$6,250,000. The legislature limited the total to \$9,000,000. Predictions are that the cost will overrun ultimately this probably \$1,000,000, but no more.

The building as it now appears is at what architects call the tenth story level, yet it can be seen for miles by travelers motoring toward Lincoln. The steel frame of the tower still projects above the stone which will ultimately cover it. The tower is now 130 feet above the ground. On top of the tower there appears from a distance a mass of projecting beams or arms. These are derricks placed there to elevate stone, brick and other material. The long slender windows which are shown in pictures of the tower will begin at the top of the present steel structure.

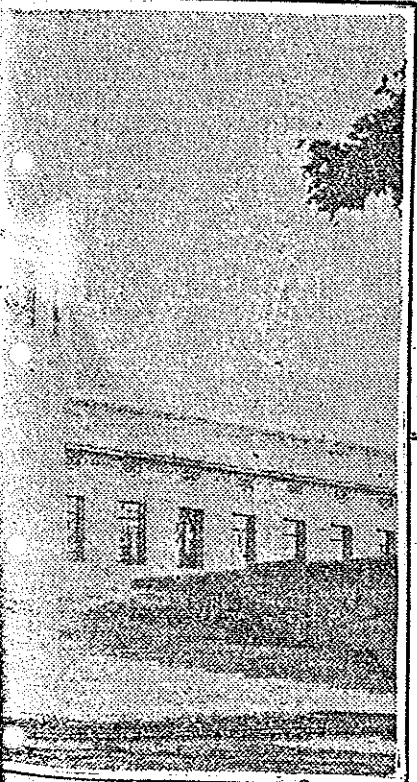
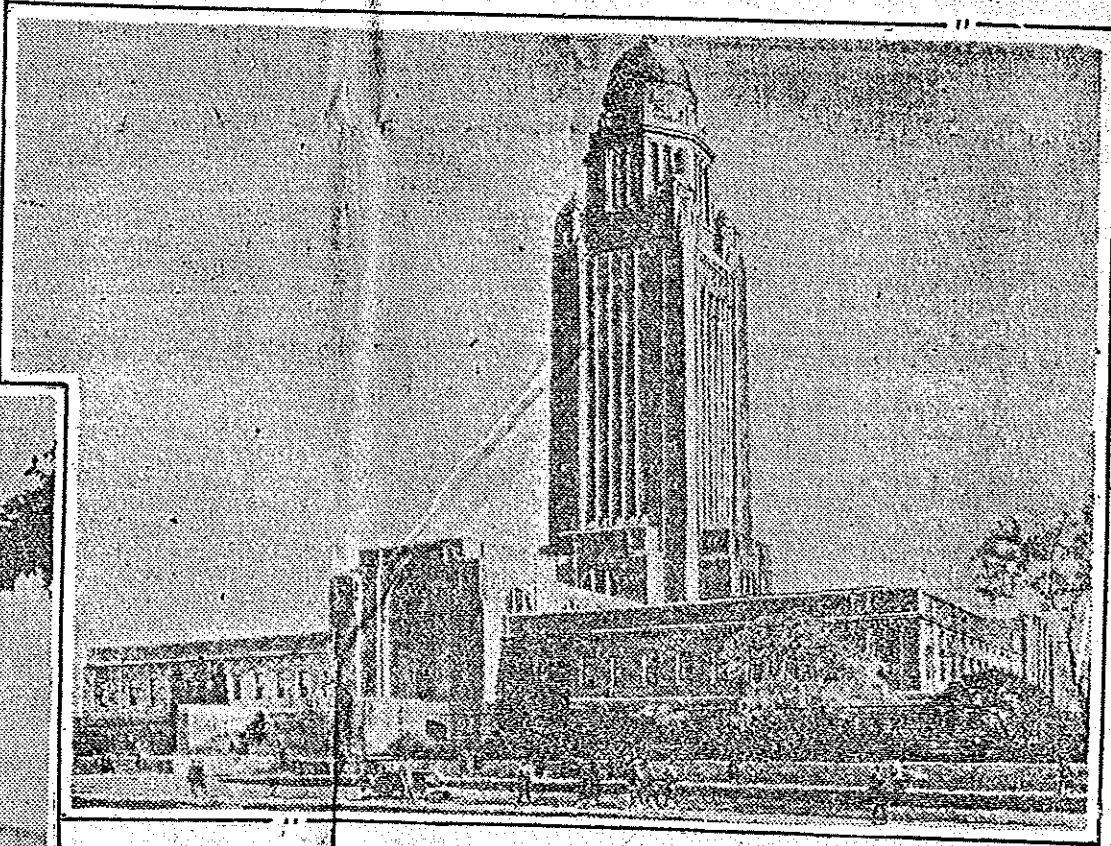
Under this now rather clumsy looking mass of steel and stone workmen are forming a wonderfully beautiful rotunda or dome which will extend 110 feet above the floor of what will be the second floor level. An arch on each of the four sides of the rotunda will come together in the form of a circular vaulted ceiling. Around this circular dome, about 100 feet from the floor, there is to be



contract incomplete	20,005.70
Total First Construction	\$2,567,468.62
Furnishings and Decorations	
Linoleum	\$ 23,177.40
Window Shades	7,395.00
Book Shelves	7,524.21
Lighting Fixtures	26,015.21
Mural Paintings	14,550.00
Furniture and Carpets	3,957.00
Total Paid	83,018.82
Lighting Fixtures for 2nd Section under contract to be paid	48,000.00
Mural Paintings under contract to be paid	33,950.00
Total Furnishings and Decorations	\$164,968.00
Wrecking Old Building	
Wrecking	\$54,700.00
Less credit on material	20,000.00
Net cost	\$34,700.00

Newberg & Bookstrom	79,870.50
Estimate on Extras	
Court Room No. 2	
Air Filters	
Total Second Construction	\$1,897,461.21
Architectural Expenses	
B. G. Goodhue	\$ 117,191.00
B. G. Goodhue Associates	35,500.00
Competition	27,054.48
Thos. R. Kimball	3,268.90
Architectural Costs	139,119.24
Meyer Strong & Jones	17,969.60
Jarrett-Chambers Co.	15,263.47
Quantity Survey Co.	12,500.00
Foundation Tests	7,328.46
Material Tests	3,763.15
Total Architectural Expenses	\$ 378,958.30
Total Paid	\$5,042,522.52

ALL
PHOTOS
BY
MAC-
DONALD



Balance on contracts on the second section not paid totals \$1,141,330.07 and \$48,693.03 on architectural expenses will bring the cost of the first and second sections, including furnishings and decorations, wrecking the old capitol and architectural expenses to a grand total of \$6,232,491.62.

The balances due on contracts on second section are:

J. H. Wiese Co.	\$ 837,633.04	Ind. Limestone Co.	1,314.52
Ind. Limestone Co.	175,470.25	B. Grunwald, Inc.	22,316.16
Shricker Elec. Co.	43,180.20	Newberg & Book.	22,535.50

Estimate on extras—			
Court room No. 2	\$31,671.00	Air filters	\$7,209.40
		Total	\$1,141,330.07

Balances on architectural expenses not paid are \$44,500 for the Goodhue associates and \$4,139.03 on material tests, making the total of architectural expenses up to the present \$427,597.33.

336, 45-

Web

#211

Journal, March 1, 1929

**STATE ASKED TO
ZONE FOR CAPITOL**
Jan. March 1, 29
**GOVERNOR REQUESTED
TO OFFER BILL.**

Lieutenant Governor Williams Plans to Have State Restrict Character of Buildings.

Governor Weaver has been asked by Lieutenant Governor Williams to introduce a bill authorizing the legislature to pass a bill giving zoning powers to the state over one block of ground on four sides of the capitol grounds. The governor said Friday he would consider the request, but that he had not yet arrived at a decision. He will wait until citizens and the lieutenant governor and attorney general agree upon the provisions of a bill.

Lieutenant Governor Williams received an opinion from Attorney General Sorenson stating that legislature could constitutionally zone buildings and property adjacent to the capitol grounds. Since zoning regulations are valid and within the police power of the state, whether delegated to the city or not, the attorney general is of the opinion that the legislature could zone adjacent to the capitol.

Lieutenant Governor Williams, accompanied by Frank D. Eager, representing the Lincoln commercial club, and Frank D. Tomson, representing the city planning commission.

"I have consulted citizens and they are in harmony with the plan to zone one block around the capitol," said Lieutenant Governor Williams. "I understand the governor is also in harmony with the idea. I have no idea of criticising Lincoln officials. They have the power to zone, but we have waited ten years for some definite zoning for the capitol. The authority should be exercised by the state. Many do not like apartment houses around the capitol. Some believe residences only should be allowed in

Continued on Page 9.

the zone. The idea is to have the governor, attorney general and secretary of state or possibly the state land commissioner, with a certain number of architects to have power to decide upon the architecture, height and character of buildings and the trades or occupations allowed in building one block back from the four sides of the capitol grounds."

The Lincoln city council's zoning ordinance makes the district about the capitol an apartment house district.

The attorney general's opinion cites the case of Pettis vs. Alpha Alpha chapter in which the supreme court of Nebraska held that the legislature could constitutionally delegate to cities power to pass zoning ordinances. It says: "The right of the legislature to clothe the city with power to adopt a zoning ordinance is derived from the undefined branch of the government known as the police power."

It is shown that upon a subject which the legislature has not spoken the cities may pass ordinances but the legislature can exercise this power without delegating it to cities.

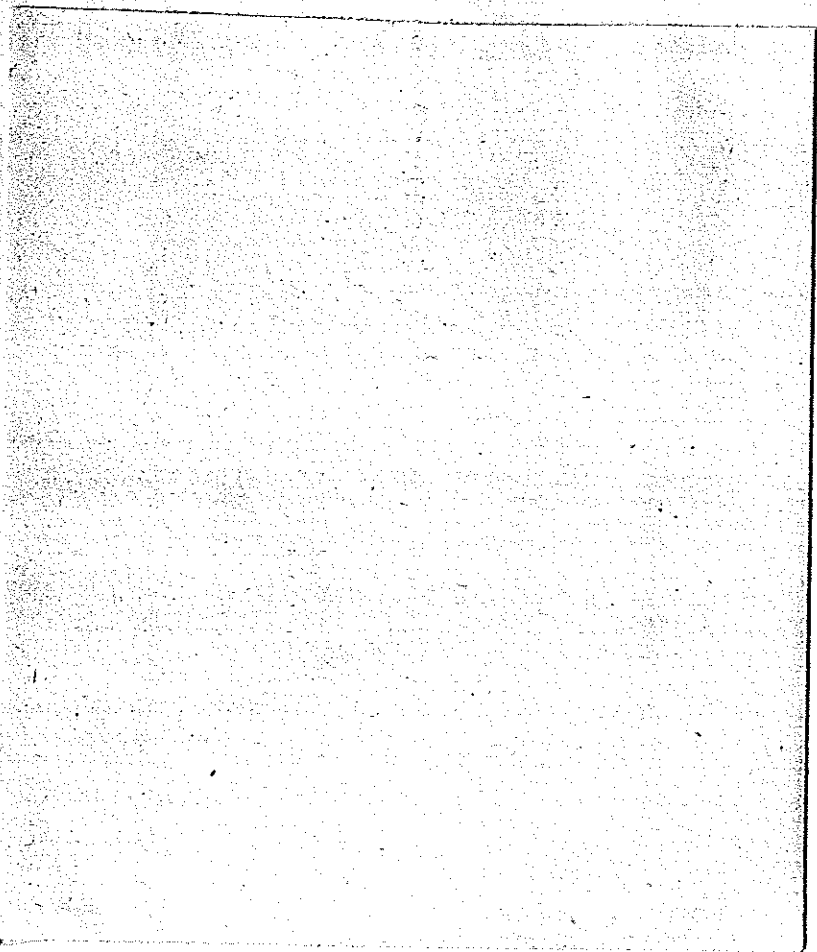
Lieutenant Governor Williams and citizens will meet Attorney General Sorensen Friday afternoon to discuss provisions in the proposed bill to be presented to Governor Weaver for his consideration.

Star, March 10, 1929

336.45
Neb.

#212

First territorial legislature
was stormy session on
Capitol location.



First Territorial Legislature Was Stormy Session On Capitol Location

Star, March 10, 1924



Reproductions by Bucklin.

Three of the prominent members of the first territorial legislature were, from left to right, A. J. Hanscom, speaker of the house; J. L. Sharp, president of the council; and H. P. Bennett, president pro tem of the council. The legislature convened in Omaha the middle of January, 1855.

When Gov. Francis Burt of Nebraska died so short a time after taking his oath of office, he left as a legacy a perturbed political situation. If Nebraska legislatures have ever had again had lively sessions, it was for tumultuous meetings. The first territorial legislature was established in the first territorial legislature.

There are those who say that the acting governor would have chosen the old, at the time, most populous settlement, Bellevue, for the capital. The acting governor, Thomas C. Cuming, unhampered by pledges, chose Omaha for the territorial capital, after a struggle between the old Bellevue and the new Omaha. The defeated Bellevue vented its feelings by contesting seats in the first territorial assembly and the population was increased by the South Platte members, who felt, as was later proved, that the greatest population lay south of the river, and that the capital should go that way.

Held in Omaha, 1855.

The first territorial council, which convened in Omaha Tuesday, January 16, 1855, at 10 o'clock, was held in a building erected for the purpose by the Council Bluffs and Nebraska Ferry Co. on Ninth street, between Farnam and Douglas streets. It was a two-story brick building, the first in the city, 30 by 15 feet in size, with rooms so small that few spectators could attend the sessions. The house of representatives was located on the left of the entrance hall, the governor on the right, with the council chamber on the second floor.

J. L. Sharp, who was said to live in Richardson county, but who lived in Iowa, even though president of the council, John Latham, Hascall Purple, Lafayette Nuckolls, and William Kempton were none of them Nebraska residents but all came from Iowa. It is not without reason that Iowans featured strongly in the election, so strongly some of their residents were members of the first assembly.

One story goes that the Douglas

G. S. Eayre, assistant clerk and Isaac L. Gibbs doorkeeper.

H. P. Bennett occupied the chair during the organization of the council. He was a South Platte man, favoring the removal of the capital from Omaha to a site south of the Platte, where the South Platte men had more corner lots than in Omaha. The corner lot problem was a great political question in the state between the two Nebraska parties.

"All the parliamentary law I knew I had gained from a study of Jefferson's Manual, which I had borrowed after election," Mr. Bennett writes many years ago. He had gone to Nebraska City from Glenwood a few weeks before election, but he had been, with his brother, one of the first to locate a claim in Nebraska after the passage of the bill.

The day the legislature met the high, the majority of the members feeling between the parties was being excited and ready to fight. The South Platte men, Mr. Bennett writes, had the advantage in nerve and fighting quality, and might have won out, except that the lobby was made up of Omaha supporters.

Some Were Armed.

"Some of them," he says "were armed and were quite as willing and ready as were our side to have the council organized peacefully, even if they had to fight for it." Several members were known to keep brick bats in their desks, although the situation never came to the point that they were used.

Early in the morning, seven members met to elect Judge Bennett speaker of the council, after which the council adjourned to the house chamber for the governor's message. The acting governor, an able but imperious man, tried to administer the oath, declaring allegiance to the United States constitution and the organic act, and added, for good measure, to the oath, that each one must be a resident of the state and more than 20 years of age.

As the assembly was standing, Judge Bennett sat down with one

felt that the permanent chairman-to-be was trying to get support of two sides. Nominally from Richardson county, the North Platte bid for his support by promising him the presidency, which he secured.

The early days were spent in a seat contest, the result of which was never reported out of the committee on elections, as every one knew the reasons for the trouble. The capital location question followed, and that was settled by February 5, with Governor Cuming's choice of site victorious.

Thousands of Toll Bills.

Thousands of bills on toll bridges or ferry charters were filed, and all passed. They covered every buffalo trail and Indian path to and from watering places, and fords on the Platte, and on every other stream requiring two steps of a bridge. The first motion ever made in any legislative body in Nebraska was made by A. J. Poppleton in the house of representatives for the temporary organization of the house. Council File No. 1 was a joint resolution providing that the style of law should be: "Be it enacted by the council and house of representatives of the territory of Nebraska."

The enactments of the first legislature were in eight parts. The first was the complete civil code, appropriated from the Iowa code; the second, the laws of a general nature prepared by the legislature; third, a criminal code, also taken from the Iowa statutes; fourth, location and establishment of territorial roads; fifth, definition of boundaries and location of county seats, or provision for their establishment; sixth, incorporation of industrial companies and town, or cities; seventh, incorporation of ferry companies, authorized the keeping of ferries, and erection of

bridges, eighth, joint resolutions adopted at the session.

Census is Ordered.

The first of Part II authorized a census to be taken by October 11, 1855, new apportionment of the house of representative members, and designated the time of the annual election and the time the legislature is to convene.

In the second place, the sale or manufacture liquor was prohibited in the territory. No one has ever been able to explain the passing of a law so out of place on the western frontier. A strong prohibition sentiment was growing in the east, it is probable the ideal was brought into the territory by newcomers, but no attempt was made at enforcement, and subsequent legislatures made attempts at dealing with the problem.

Three of the prominent members of the first territorial legislature were, from left to right, A. J. Hanscom, speaker of the house; J. L. Sharp, president of the council; and H. P. Bennett, president pro tem of the council. The legislature convened in Omaha the middle of January, 1855.

Reproductions by Bucklin.

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One story goes that the Douglas county members of the 1855 session, with their natural Omaha interests, were opposed to the Bellevue claims for capital location, the ticket put forth by the south party of the county, now Sarpy, having been snowed under at the polls. The south side attributed its defeat to an Iowa county, the vote being divided between Plattsmouth and Bellevue, while Council Bluffs and Pottawattamie county voted for Omaha.

That is, all but one wagon load of electors who were sent forth to have an election in Burt county. They struggled north, and had their election, with an Iowan being unanimously elected as representative. Later reports showed that the election had not been held in Burt county, but that the valiant had gone only to Washington county. However, as Iowa men had been instrumental in securing the incorporation of the territory, and an Iowa man located the seat of government, so that it seemed reasonable, to some, that is, to continue the Iowa idea.

Thirteen in First Council.

The first territorial legislature was composed of a council of thirteen of whom two were out state men, and a house of representatives of twenty-six, with three of the number from over the river. J. L. Sharp was chosen president of the council, Dr. George L. Miller, chief clerk, O. F. Lake, assistant clerk S. A. Lewis sergeant of arms, and H. R. Folsom, doorkeeper. For the house A. J. Hanscom was made speaker, J. W. Paddock, chief clerk,

G. S. Bayre, assistant clerk and Isaac L. Gibbs doorkeeper.

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"Some of them," he says "were armed and were quite as willing and ready as were our side to have the council organized peacefully, even if they had to fight for it." Several members were known to keep brick bats in their desks, although the situation never came to the point that they were used.

Early in the morning, seven members met to elect Judge Bennett speaker of the council, after which the council adjourned to the house chamber for the governor's message. The acting governor, an able but imperious man, tried to administer the oath, declaring allegiance to the United States constitution and the organic act, and added, for good measure, to the oath, that each one must be a resident of the state and more than 20 years of age.

As the assembly was standing, Judge Bennett sat down, with one other, and the former, watching out for his colleagues, pulled young Lafayette Nuckolls down with him. The judge doubted his state citizenship, and he knew that Nuckolls, "the gentleman from Cass," was too young, being only 19. Nor was the a citizen, but his age whis his greatest disadvantage in those informal times. When the three refused the oath, the ceremony was again gone through before Judges Ferguson and Harden, respectively.

Following the morning organization, when the hour for the election of permanent chairman came, it was

felt that the permanent chairman-to-be was trying to get support of two sides. Nominally from Richardson county, the North Platte bid for his support by promising him the presidency, which he secured.

The early days were spent in a seat contest, the result of which was never reported out of the committee on elections, as every one knew the reasons for the trouble. The capital location question followed, and that was settled by February 5, with Governor Cuming's choice of site victorious.

Thousands of Toll Bills.

Thousands of bills on toll bridges or ferry charters were filed, and all passed. They covered every buffalo trail and Indian path to and from watering places, and fords on the Platte, and on every other stream requiring two steps of a bridge. The first motion ever made in any legislative body in Nebraska was made by A. J. Poppleton in the house of representatives for the temporary organization of the house. Council File No. 1 was a joint resolution providing that the style of law should be: "Be it enacted by the council and house of representatives of the territory of Nebraska."

The enactments of the first legislature were in eight parts. The first was the complete civil code, appropriated from the Iowa code; the second, the laws of a general nature prepared by the legislature; third, a criminal code, also taken from the Iowa statutes; fourth, location and establishment of territorial roads; fifth, definition of boundaries and location of county seats, or provision for their establishment; sixth, incorporation of industrial companies and town, or cities; seventh, incorporation of ferry companies, authorized the keeping of ferries, and erection of

NEBRASKA LEGISLATIVE
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CAPITOL DEFECTS SUBJECT OF PROBE *Law. March 11, '29* LAWMAKERS MAY START AN INVESTIGATION.

Minor Defects Pointed Out Years Ago and Re- cently by Governor Weaver.

The Essam resolution introduced in the house went over one day under the rules, and will be taken up Tuesday.

Two resolutions were introduced in the senate shortly after 2 p. m. by Senators Griswold and Scott, each calling for an investigating committee. The first requested a report at an early date. The second referred to the investigation of 1923 and alleged that the state wasn't properly protected in its contracts. It proposed that the committee be empowered to call witnesses. Both resolutions were laid over for a day.

Minor defects in construction of the capitol, pointed out some years ago and freshly emphasized by the Omaha Bee, are to be the subject of an investigation by the legislature, according to talk among members of the law making body who gathered for the afternoon session at noon Monday. A joint legislative committee is proposed to make inquiry. Representative Essam was reported to have consented to introduce a resolution in the house. Senator Reed was picked to father the investigation in the senate.

Senator Reed said he had not made up his mind concerning the introduction in the senate. He was approached early in the session, he said, and was asked to take up the matter. He desired to make further inquiry before acting.

Most of the defects pointed out in the one story terrace surrounding the capitol. This terrace is covered by a concrete and gravel roof surrounded by a balustrade of stone with stone coping. Some minor defects have been corrected by the contractor who was responsible. Others appear to have been overlooked. The main building and foundation are said to show no defects.

"There are defects of course," said Governor Weaver, who has been a member of the capitol commission only since Jan. 3. "I mentioned some of these last November to Mr. Hardy and Mr. Cochran, members of the commission, and I understood them to say the defects would be remedied. Regarding the ultimate cost of the building I don't know. I have been informed it will not exceed \$9,500,000. This might be increased by the state's share of a joint heating and lighting

plant with the university, but I believe the state's share of that plant should be paid out of the capitol levy and not out of the state general fund. I understand the bill in the house has been so amended. The state's portion of the joint plant is around \$210,000."

Cost of Capitol.
Roy Cochran, state engineer and secretary of the capitol commission, said the first and second sections of the capitol which contain minor defects have been accepted by the commission and paid. The reserve held by from Welse

company contractors on the first and second sections has been paid. When a contract was awarded to Kiewitz Sons to build the tower or third section some uncompleted items on the other sections were transferred to Kiewitz Sons to be finished.

Secretary Cochran estimates the cost of the completed building at \$9,450,891.79, exclusive of the state's share of the proposed heat and light plant which he estimates at \$210,000. He estimates the fourth section, with senate chamber, at \$1,422,000. His statement of costs follows:

Cash paid out to date (Dec. 31, 1928)	\$6,348,048.49
Amount contracted to date (Dec. 31, 1928)	1,044,845.50
Estimate to Dec. 31, 1931, to complete building:	
\$12,000.00 estimate on architectural expense.	
11,500.00 estimate on capitol commission.	
30,000.00 estimate on inspection expense.	
43,500.00 estimate on miscellaneous expense.	
25,000.00 estimate on furnishings and decorations.	
500,000.00 estimate on fourth construction of building.	
100,000.00 estimate on landscaping.	
200,000.00 estimate on furniture.	
100,000.00 estimate on marble.	
100,000.00 estimate on marble corridors	1,422,000.00
	\$9,450,891.79

The above figure is exclusive of cap-

(over)

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hol's part of heating plant estimated at \$210,000.

Representative Harvey Essam was voted as author of the house resolutions. Mr. Essam, in a statement issued early Monday afternoon, said that together with Speaker Couiter and Representative McKay, he went over portions of the outer structure after receiving reports of alleged instability.

"My resolution calls upon the speaker to name a committee of three to investigate," he said. "I assume that the senate will appoint a like committee altho I am not certain as to this. At the southwest corner of the parapet two by four wedges have been driven in to hold the rock in place. At the southeast parapet corner, some of the stone is so loose that in some cases, it can be moved without effort by hand. There is a suspicion that the rock is settling. This, of course, is conjecture. I also understand that leaks have been discovered."

Any investigation undertaken, it is assumed, will trace back to the letting of the contract and the administration under which such lettings were made.

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Star, March 11, 1929

CLAIM DEFECTS INSIGNIFICANT *Star, March 11, 29* Those In Capitol To Be Remedied for Few Hundred Dollars. Entire Cost of Building To Be Below Ten Millions.

ASKS INVESTIGATION.

Calling for an investigation of the expenditures of the capitol commission and of the construction of the building, a resolution was introduced Monday afternoon by Harvey Essam, chairman of the finance committee, after the house reconvened at 1:30 following the week-end recess. A similar resolution was to be introduced. In the senate it was reported. The appointment of a commission of three members by the speaker to conduct the investigation and report back to the house before adjournment is asked in the resolution.

Some of the state senators and representatives who looked over the outside of the new capitol after reading in an Omaha newspaper that the stonework had begun to crack and pull apart in certain places were unable to discover any serious defects indicating that the structure is "crumbling" or that the foundations have weakened at any point under the weight of the heavy superstructure.

However, some talk was heard Monday that resolutions might be presented in each chamber for an inspection and inquiry to bring out the facts as to whether all the work heretofore done has been up to specifications, and what may be necessary in the way of repairs or replacements.

The stone coping which surrounds the outside terrace of the building consists of flat blocks standing on edge, joined to the floor with cement. Some of these have got out of perpendicular and will eventually have to be straightened up and put into alignment.

Also, the graveled walk around the terrace, which is the roof of offices on the ground floor underneath, has cracked open in some places, and water has leaked through. The capitol commission, it is understood, plans to apply another layer of material above the tar and gravel, which will provide a waterproof covering for the office rooms. Temporarily, some of the leaks have been filled up with an asphaltic composition.

Work All Paid For.

The defective places in the outside walls and coping of the capitol are all in that part of the building comprised by the first and second

(Continued on Page Nine.)

sections, on which the J. H. Wiese Co. of Omaha did the structural work. The capitol commission has accepted those sections and made final settlement with the contractor for them.

A few uncompleted details were transferred by agreement to the contract of Peter Kiewit's Sons, now engaged in erecting the third section, or tower, and corresponding deductions were made for them when settling with the Wiese firm.

State Engineer Roy Cochran, secretary of the capitol commission, said Monday morning that it will probably cost the state several hundred dollars to realign the coping and make other small repairs necessary on the outside.

Governor Weaver, who had nothing to do with the first and second sections, and who came into office after contracts were awarded for the third section and a large part of the work had been done upon it, said he had observed the outer cracks and irregularities last November and asked W. E. Hardy and Secretary Cochran of the commission about them.

"They will all be fixed in due time," the governor said. None of the capitol commission members regards them as serious. The governor is chairman of the commission. Not Uncommon in New Buildings.

"There are some defects in the capitol, of course," Governor Weaver stated to newspaper representatives. "I suppose no new building could be found which does not contain some of them. So far as I know, they are of a minor character and do not affect the solidity of the edifice.

"The capitol belongs to the people of Nebraska and these matters are properly subject to discussion. If anything should develop showing a serious flaw in the building, full information regarding it will be given our citizens whose property it is."

Concerning the report published at Omaha that the capitol is to cost \$12,000,000, the figures of the capitol commission are almost 2 1/2 million dollars below that amount.

Total Under \$10,000,000.

Secretary Cochran prepared a summary for Governor Weaver, which was given to the press, showing that up to December 31, last, the actual amount paid out of the capitol fund for all construction, services, and materials was \$6,984,048.49, and that the amount still to be paid under contracts made at that time was \$1,044,845.30.

Further outlay to complete the structure was estimated in total at \$1,422,000, itemized as follows:

Architectural expense, \$12,000; incidental expense of commission, \$11,500; inspection and supervision, \$30,000; miscellaneous, \$43,500; special furnishings and decorations, \$25,000; fourth construction section, \$800,000; landscaping, \$100,000; furniture, \$200,000; murals, \$100,000; marble in corridors, \$100,000.

This is a grand total of \$9,450,891.79, to which must be added \$210,000 as the capitol commission's share of the cost of a joint heating plant with the state university.

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THREE ASK INQUIRY OF CAPITOL DEFECTS

Repairs to Paving and
Spread Balustrade to Cost
Little, Cochran Asserts.

WEAVER O. K.'S STUDY

(By a Staff Correspondent.)
Lincoln, Neb., March 11.—Three resolutions for inquiry into alleged construction defeats in the Nebraska state capitol were introduced in the legislature this afternoon.

Little excitement was stirred in official circles by the "expose" by an Omaha newspaper, purporting to reveal faulty construction.

The resolutions were laid over until Tuesday for action, according to the rules. Senator P. W. Scott of McCook asked a committee of three to study the building for defects. Senator Dwight Griswold of Gordon asked a committee of five.

A committee of three house members was asked in a resolution by Representative Harvey Essam, Beatrice.

"I have been on the state capitol commission only since I took office less than three months ago, and am not qualified to speak as an expert," said Governor Weaver. "I suppose there are some defects in the building, just as there always are in the construction of any big building. These matters are proper for discussion in this case because it is the business of the public, and anybody has a right to investigate.

Cost Limit, \$9,500,000.

"As to the cost of the building, instead of being 12 millions as stated in the newspaper articles, there is a bill in the legislature limiting the cost to \$9,500,000, and I am assured that it will not run over that amount."

Roy Cochran, state engineer, explained the existing faults, which are confined to a spreading of some of the joints in the stone balustrade which surrounds the building proper. The "cracks" are not in the stone, but where stones are joined, and are noticeable at each of the four corners of the balustrade or outside wall of the terrace.

"The total cost of correcting the defect will be a few hundred dollars," said Cochran. "Architects have been studying it and it will be fixed this spring. It was to have been fixed last fall, but winter set in before it could be done."

A Problem of Paving.

Cochran explained that the cracks in the joints affected no part of the building except the outside wall of the terrace, which is about 15 feet high.

The "floor" connecting this wall with the next is of cobblestones, such as is used in paving, and the problem is the same as that in any street paving job, he said.

"It is a problem that is easily met, and is met every day by engineers in construction work all over the country," said Cochran.

Paid So Far, Seven Millions.

"It is due to the expansion of the materials in the paving under the terrific heat of the sun in summertime. Allowances are always made for the expansion, but it resolves itself to a matter of judgment. In this instance the expansion was greater than expected. The result was that the expanding 'paving,' as I will call it, pushed the wall outward. On the south corners, the cracks in the joints are more noticeable, due to the greater heat.

"But it is easily corrected, and nothing to get excited about."

Cochran said that the capitol building cost as of last December

\$1 was: Paid out, \$6,984,046.49; contracted but not paid out, \$1,044,845.30; estimated additional cost to complete, \$1,422,000.

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World-Herald, March 12, 1929

NEBRASKA LEGISLATIVE
REFERENCE BUREAU.

CAPITOL TOWER STANDS

Thomas R. Kimball Not Alarmed at
Rumors of Defects.

March 12, 29
Thomas R. Kimball, Omaha architect, member of the advisory body of architects in the selection of an architect for the new state capitol building, declined Monday to comment seriously on published rumors of alleged faulty construction work.

"It is too ridiculous to treat seriously," he said. "All I care to say is that it is a tempest in a teapot, and that it is an ill bird that fouls its own nest."

Mr. Kimball recalled early predictions from the same source, he said, wherein it was forecast that the capitol building tower "would be plunged into a subterranean lake."

"It didn't plunge," concluded Mr. Kimball.

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NEBRASKA LEGISLATIVE
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THE CAPITOL INVESTIGATION 29

The Nebraska legislature has been in session since the first week in January. With the exception of the highway program, which has been approved by the lower house, it is no nearer a solution of the major problems confronting it than it was eight weeks ago.

What is the trouble?

Few legislative assemblies in Nebraska have revealed a greater lack of leadership than the one which is now in session. It has drifted along, without getting anyplace in particular. It has been pulled here and there with each passing tide. Apparently its members do not realize the purposes for which they are in session.

The latest piece of foolishness was a resolution calling for an investigation of Nebraska's new capitol. It is understood that former State Engineer George Johnson was the inspiration for this move. It is not the first time Mr. Johnson has precipitated an investigation of the capitol. Some years ago he was the guiding spirit behind a similar inquiry, which was painstaking and deliberate. He was given every opportunity to make good upon his claims but the net results of that investigation was a reaffirmation of faith and confidence in the business judgment and ability of the capitol commission.

It would be well for the people of Nebraska to recall that the members of the capitol commission which has had construction in charge include representative, distinguished citizens, who had given freely of their time without compensation. It would have been difficult indeed to have selected a group meriting public confidence more than the men who have served upon that commission. Without exception they have been men who were successful in their private business affairs, who have rendered distinguished civic service in their communities and to their state. They are a guarantee that the state of Nebraska will receive good value for every dollar which it spends in building the new capitol.

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Star, March 12, 1929

PROBE ALLEGED DEFECTIVENESS

Star March 12, 1929
Work and Material On
Capitol To Be In-
vestigated.

Claimed George Johnson Back of Charges Now Made.

Chairman Essam of the house capitol investigation committee said nothing would be done by his group until after the senate had acted.

Action looking toward a legislative inquiry into the condition of stonework and mortar in the outside walls of the new capitol and the protective stone balustrade around the terrace on the second floor, and to determine whether the work done upon the completed first and second sections was in accordance with specifications, was taken in both branches of the Nebraska lawmaking assembly Tuesday forenoon.

The house adopted the Essam resolution, presented Monday afternoon, for an investigation going back to the date when construction work began, nearly seven years ago, and Speaker Coulter named Messrs. Essam, Hasselbalch, and Burr as the group to conduct the probe.

In the senate, where two different resolutions had been presented—one by Senator Scott being a duplicate of the Essam declaration in the house and the other by Senator Griswold being worded in less caustic terms—it was decided on motion of Senator Randall that a committee be appointed to draft another one, the apparent intention of the senate being to cover the ground without seeming to condemn the capitol commission or anyone else before the inquiry is made and the facts brought out.

Senators Scott, Griswold and Randall were designated by Lieut. Gov. Williams to constitute this special committee.

It is anticipated that the senate will adopt whatever revised resolution this committee may agree upon, and that a committee to investigate will then be named. Whether the house group and that of the senate will work separately or in conjunction will rest with themselves, as there is nothing in the resolutions which requires joint action.

George Johnson Behind Move?
Members who were in on the Essam and Scott resolutions say that George E. Johnson, former state engineer under the McKelvie administration, who inspired an investigation of the capitol commission in 1923 and at that time

(Continued on Page Eleven)

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brought charges regarding indifferent workmanship and poor materials going into the edifice, is the man who has been stirring up the matter again, with the assistance of a Hearst newspaper at Omaha.

The following communication was sent by State Engineer Roy Cochran, secretary of the capitol commission, to the house and the senate Tuesday morning, addressed to their respective presiding officers:

Recent press dispatches have carried items to the effect that certain defects existed in the completed part of the Nebraska capitol. The capitol commission as well as the public generally knew of these minor defects for several months. In fact, it was the subject of local newspaper comment several months ago.

The capitol commission invites investigation not only by a committee but also by individual members of your body and by the public.

The capitol commission realizes that in a structure of the magnitude of the Nebraska capitol, as well as in any structure, some minor defects are certain to occur. Insofar as the plans themselves are concerned, which were adopted and on which contracts were let by the original commission, certain changes have been found necessary and perhaps other minor changes should have been made.

All of the facilities of the capitol commission are available for your use.

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CAPITOL SCRUTINY VOTED BY HOUSE; SENATE TO JOIN

Lower Body Names 3 to Probe 'Defects,' Report Before Adjournment.

BOARD ASKS INQUIRY; TOWER NOT INCLUDED

Lincoln, Neb., March 12 (AP).— Both branches of the Nebraska legislature took action this morning toward an inquiry into the condition of stone work and mortar in the outside walls of the new capitol and the protective stone balustrade around the terrace on the second floor, and to determine whether the work done upon the completion of the first and second sections was in accordance with specifications.

The Essam resolution, presented in the house yesterday afternoon was adopted and Speaker Conlter named Representatives Essam, Hasselbalch and Burr as members of the investigating committee. The probe will go back to the date when construction work began, nearly seven years ago.

Difficulty arose in the senate over which of two resolutions to adopt—Senator Scott's which is a duplicate of the Essam declaration, or Senator Griswold's, which is worded in less caustic terms.

Draft New Resolution.

On a motion by Senator Randall a committee of three was appointed to draft another resolution. Lieutenant Governor George Williams designated Senators Griswold, Scott and Randall to constitute the committee.

It is anticipated that the senate will adopt whatever revised resolution this committee may agree upon, and that a committee to investigate will then be named. Whether the house group and that of the senate will work together or separately will rest with themselves as there was nothing in the resolution calling for joint action.

State Engineer Roy Cochran, secretary of the capitol commission, addressed a communication to the presiding officers of the house and senate this morning in which he invited an investigation, not only by a committee, but also by individual legislators and the public. His communication follows:

World-Herald, Mar. 13, 29

NEBRASKA LEGISLATIVE REFERENCE BUREAU

Investigation Invited.
"Recent press dispatches have carried items to the effect that certain defects existed in the completed part of the Nebraska capitol. The capitol commission as well as the public generally knew of these minor defects for several months. In fact, it was

the subject of local newspaper comment several months ago.

"The capitol commission invites investigation, not only by a committee but also by individual members of your body and by the public.

"The capitol commission realizes that in a structure of the magnitude of the Nebraska capitol, as well as in any structure, some minor defects are certain to occur. In-so-far as the plans themselves are concerned, which are adopted and on which contracts were let by the original commission, certain changes have been found necessary and perhaps other minor changes should have been made.

"All of the facilities of the capitol commission are available for your use."

The text of the Essam-Scott resolution, as passed in the house, is as follows:

"Whereas, After a lengthy investigation into the work being done on the state capitol building the legislature of 1923 found that the state had not been properly protected in the cost of printing specifications, the quality and cost

of stone, the cost of floor construction, the awarding of plumbing contracts, the cost and quality of acoustic materials, the cost of carving, the cost of casement windows and that the plans of the state capitol building provided for improper bonding of the stone; and,

Whereas, After these findings were made the capitol commission was allowed to proceed with the assurance to the legislature that the proper adjustments would be made and quarterly reports would be filed and forwarded to members of the legislature; and,

"Whereas, No such reports have been made and there are no copies of contracts or records in the department of finance or state auditor's office that

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World-Herald, Mar. 13, '29

NEBRASKA LEGISLATIVE
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No Sacred Cows! 13 '29

A resolution has been presented in both branches of the legislature calling for an investigation of the record of the construction of the new capitol building at Lincoln. The investigation, if it were authorized, would ultimately be into the performance of their duty by the five members of the capitol commission under whose complete charge all construction has gone on.

The membership of this body, except for two, the governor and the state engineer, has remained the same since the work was begun, and State Engineer Cochran has served during most of the whole time, because of reappointment by three successive governors.

Nobody, of course, suspects Walter Head, or W. E. Hardy, or Judge Thompson, or Roy Cochran, or any of the four governors who have, in their turn, been members of this commission, of anything but the highest service to the state according to their lights. The character of each of these men is beyond reproach.

From the evidence at hand at present, little

seems to be at fault and what fault there may be seems due to the unequal conflict of the forces of nature against those of structural science. A few hundred dollars, says State Engineer Cochran, will repair the damage done by the expansion of the terrace paving pressing against its stone retaining wall.

But the capitol construction has been a big and important job. It will have cost the people of the state 10 million dollars, nearly, when it is completed, if the present official estimate is correct. The people have spent their money gladly believing that they were erecting a building that would be a sign to the world, for hundreds of years to come, of Nebraska progress and Nebraska culture. These people who paid have a right to all the facts and to a thorough discussion of them.

The investigation should not grow out of, or develop into, malice. It should be a fair and cool-headed examination of the record and the methods, and of the result. If the Nebraska capitol has not been built to last at least two hundred years it has not fulfilled, in its artistic worth, the hopes we had for it. "In the elder days of art," said Longfellow, "builders wrought with greatest care." And the effect of this care, the ability of their works to withstand sturdily the havoc of the centuries, is the greatest part of their art.

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ALAN M'DONALD HITS ATTACK ON CAPITOL

March 19, '29
Omaha Architect Commends
World-Herald for Arrang-
ing Survey.

HAS NO FEAR OF PROBE

The new state capitol at Lincoln is the leading building in the state and nation and one of the finest in the world, and it deserves to be so regarded, said Alan McDonald, Omaha architect, addressing the Omaha Woman's club at an open meeting on Monday.

Mr. McDonald laid aside his speech of "The Evolution of Architecture" for a discussion of the building which he said had been "unfairly and ignorantly attacked."

The capitol at Lincoln has reached international fame and brought Nebraska before the eyes of the world, and public opinion should rise against the recent "publicity" which an Omaha newspaper instigated, he said.

"Happy" at World-Herald Move.

"The attack of four years ago was a total failure, and this one is quite ungrounded," Mr. McDonald asserted. "This investigation costs a great deal of money and puts tar and feathers on one of the real prides of the state. Those who decry the expenditures of the taxpayers' money seem to delight in needless investigations."

"We are happy to see The Omaha World-Herald engage two such outstanding men as Seth J. Temple and William E. Fisher who can give a broad, courageous, unbiased and informed opinion of the situation."

"The articles are pitifully and ignorantly written. The first one referred to 'poor plaster.' Even the least informed knows mortar is used to hold stones together."

"The cracks that are sighted exist in the parapet and are due to the tremendous expansion and contraction that the extreme temperatures in this region cause. That was one of the problems the architects and engineers had to face, but that is a natural problem in such surfaces of tremendous size and is being met in anticipation of its needs by this group of men. To cope with the conditions caused by the elements is a serious problem and is not to be corrected with 'patching,' but by proper study."

NEBRASKA LEGISLATIVE
REFERENCE BUREAU.

"Acoustics the Finest."

"It is claimed that the stones are cracked. There is one cracked stone on top of the parapet wall over the main building, which will be replaced, and as to the 'variation of color of the stone,' that conforms with the finest examples of architecture, to relieve the monotony of a monotonous surface. The ventilation conforms with the finest modern office building. It provides for ventilation in assembly rooms and audience halls, but office suites are ventilated through the window, which is the custom in splendid building. The acoustics are the finest," Mr. McDonald said. "Whoever wrote they are not knows nothing of construction."

"The one faulty condition of windows, which it is stated leak and the air comes through, was installed over the heads of the commission and at the suggestion of a man interested in the windows being exactly as they are."

"The Nebraska chapter of American Institute of Architects has watched the progress of this building and entertains no fear of an investigation of honest and capable effort. We feel that Nebraska was fortunate in its architect and in its builder, and when it is completed, at a cost of nine instead of the stated 12 millions, it will conform with the finest examples of modern architecture and equipment."

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NEBRASKA LEGISLATIVE
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PRAISE FOR CAPITOL BY OMAHA ARCHITECT

Spec. March 20, '29
**Leading Building in the
State Declared Ignorantly and Unfairly
Attacked.**

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GREAT CONCEPT, GOOD BUILDING AND MATERIAL

N.H. Herald, March 24, 29

Find Poor Method Used on the Terrace, Drainage Loosening Stone.

ONE DEFECT IN PLAN AND MAY BE REMEDIED

Dismiss Reports of Poor Construction with Deci- sive Comment.

(Copyright, 1929, by The World-Herald.)
Seth J. Temple of Davenport,
Ia., and William E. Fisher of
Denver, architects chosen
through the American institute
of their profession, who viewed
the Nebraska capitol at the re-
quest and expense of The
World-Herald, have found the
vast building as a whole to be
sound.

Like others who have visited

"Nebraska has a state capitol
of great architectural beauty
and one that is unrivaled in this
country," said William E. Fisher,
who inspected the building last
week to find out how much
justice there is in criticism
passed upon the structure.

"It is a pity," Mr. Fisher con-
tinued, "that this wonderful
building should be decried and
derided and criticised unintelli-
gently.

"Nebraska's capitol is one in
which the state should take the
greatest possible pride."

it, they were profoundly im-
pressed with the greatness of
the conception of those who
planned the edifice.

NEBRASKA LEGISLATIVE REFERENCE BUREAU

They found that among the
structural problems the
builders faced, they met prac-
tically every one that is vital
successfully, save in planning
the drainage system for the
terrace floor which forms the
roof of the outside part of the
first floor and completely sur-
rounds the capitol.

The visiting experts agreed,
after a careful examination,
that small cracks found in
some of the stones on the ex-
terior and in others on the in-
terior are inconsequential and
not progressive defects, that
stains at some places on the in-
side are probably due to ce-
ment, and on the outside to
wash from the building, diffi-
cult to prevent, and that it is
impossible to obtain the best
specimens of imported marble
without seams, which it is good
practice to cement together on
installation, filling the surface
of the seams with colored wax
to match the marble.

After all, the architects say,
their "criticisms refer to por-
tions which can be repaired
without in any way affecting
the building proper."

Emminent Authorities.

Both architects are widely
known in their profession. Mr.
Temple is a past president of the
Iowa chapter of the American
Institute of Architects and has
drawn the plans for many of the
leading modern structures in
Davenport, Burlington and sur-
rounding territory.

Mr. Fisher, who is a director
of the national organization of
the American Institute of Archi-
tects, has been in business in
his profession in Denver 28 years.
He has been in charge of erec-
tion of four of the leading bank
buildings of his home city and
has planned the state medical
school and hospital and other
important structures.

Choice of the two men came
through the recommendation of of-
ficers of the institute. They came
at the invitation of The World-

(Continued on Page 16-A, Col. 1.)

(over)

ARCHITECTS REPORT BUILDING IS SOUND

Find Poor Method Used on Terrace, Drainage Loosening Stone.

IS EASILY REMEDIED

(Continued from Page 1.)

Herald, they said, as a duty to their profession, to examine the structure about which so many stories and rumors have been circulated.

Mr. Fisher long has been an admirer of the Nebraska capitol. This trip to see it was his third. He first came once alone, then brought his family because he regarded it a work of art as well as of architecture, he said.

Tribute of Fisher.

In addition to joining with Mr. Temple in the report calling the building "as living as architecture can be living" and "a building which in itself marks a new style," Mr. Fisher said that "one may stand inside the entrance and look along a vista "which can be compared in beauty to that in any cathedral in this country or in Europe, in this or any other age."

"If one builds a modest home or a palace," Mr. Temple said, "there always is something he would not have done, had he been given the opportunity to do it over."

The One Defect.

In this case, the two architects point out that the only serious defect they could find was, in the terrace floor. As the terrace extends around the entire building, and is easily accessible, for it is open from the steps leading to each entrance, the openings in stone work of the parapet and cornice strips surrounding the terrace on the outside edge, caused by action of water freezing, are noticeable. But they exist in a part of the structure that is readily accessible for repair and, compared with the entire building, the defects, though serious, are not of first importance. They do not bear on any fundamental support of the main structure, for they are entirely apart from it.

Commenting on the method of construction used in the terrace floor, both architects gave their opinion that had the water been run to the center of the terrace floor and adequate drains located there, trouble would have been avoided.

"There is only a two-inch fall in the floor of the terrace from the part next to the building, to the

outside where the drains are located," said Mr. Fisher. "With snow lodging against the outside parapet to which water flows, the opportunity is presented for seepage into every available crevice instead of the water being carried away."

Poor Method Used.

"It is not the best method to lead water against Bedford stonework of this type on an outside wall. Rather it should be directed away. The paving surface of the terrace now shows some crevices. There is a joint next to the outside stonework. In some manner water has evidently crept inside the bottom joints of the parapet stone and in freezing forced a few of them apart, especially at the corners. The tendency with time, as is indicated at one corner, will be for water to affect the stone in the facing wall below the cornice. Corrective repair will entail some rebuilding for this defect."

Mr. Temple explained the terrace floor construction to have been very complete of its type. There is a reinforced concrete layer resting upon the joists upon which rests a waterproof membrane of several thicknesses of felt saturated with an asphalt preparation which extends over the entire floor surface and under the parapet stone and out to the cornice strip. Over this is a layer of insulating substance an inch thick and upon this is a finely finished layer of cement an inch thick. Over this is laid a sort of paving for wear resistance composed of large sized stones set in cement.

Cornice Stones Affected.

So far as Mr. Temple could find, there were no steel anchors between stones which would have tended to keep them in place. Water seeping either along the membrane to the bottom of the parapet stones or through the joints next to the stones themselves, apparently caused the trouble. This pressure has forced cornice stones out of line in a few places.

The cornice stones rest for half their depth in notches in the bottom of the parapet stones so that any movement of the latter must of necessity affect the former. The first course of the facing stone has been affected below the parapet in a few places and the tendency is to go slightly lower at the corners.

Comment on Stone.

Neither Mr. Temple nor Mr. Fisher had any criticism of the type of stone used in the building at any place. They say it is not uncommon to ask for various types for various locations in a structure. In regard to the rumor that fossil stone has been brought in and that it was inferior in quality, they say that architects call frequently for stone of such a type, called Gothic

stone, for its appearance and that time has proved its quality.

"The discovery of this type of stone in one quarry," Mr. Fisher said, "was brought to attention of architects erecting one of the big New York skyscrapers who used it for its decorative effect and it has come into common use since."

"I believe the stone in the Nebraska capitol to be of the accepted commercial grade usually employed," said Mr. Temple. "The rougher surface does not presuppose disintegration. In fact, service has shown there is no disintegration."

Comment on "Cracks."

Mr. Fisher characterized stories that some hairline cracks noted in one or two places on the stone work of the interior of the building were due to "short binding" or not placing overlaps with equal length and strength of the stone above joints between other stones beneath, as "all bunk." This system was evidently used for artistic effect. It adds to the interest in the building, he thought.

Both architects said the cracks in the stone used in the interior were not progressive, that they were not general and that in their opinion they resulted from shrinkage of mortar, which is usual the first year. What shrinkage has occurred, they think, will end this matter. They noted that an unusually thick mortar joint had been used.

One must scan the huge pile of masonry in the main entrance archway closely even to find the few cracks that exist.

The statement mentions a possible movement of the building which might account for some of the few small cracks, possibly those in the huge stones to the right of the main entrance on the north, but neither Mr. Fisher nor Mr. Temple, when asked after their report had been submitted, had been able to find other evidence of this, they said.

Foundations Good.

They called the foundations "excellent." Upon this vital element of the building they say the permanence of the huge pile above will rest and prove itself.

The two architects report the marble work in the capitol put up in accordance with accepted methods.

"It is absurd to point to seams in the monolithic columns and call them faults," Mr. Temple said. "Fine grained marble of this type cannot be obtained without seams which, in erection, are filled with cement and on the surface with wax. Best Italian marble derives its beauty from its variegated colors and to get this effect, it must be taken as it comes. Builders

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REPAIRS UP TO STATE SORENSEN BELIEVES

Head Thinks Party Responsible Should Bear Cost; Trouble Minor—Kimball.

'HEAVY PROOF NEEDED'

Attorney General Sorensen believes that the question of liability for what faults have been found in the state capitol building will depend a good deal on the specifications and the contract entered into between Architect Goodhue and the capitol commission.

It is possible to hold an architect for gross negligence, but where the design has been accepted by the state, there are various contingencies, and Mr. Sorensen is inclined to believe it would take a good deal of proof to throw the liability elsewhere than on the state.

It would be necessary to find the fault to be an inferior design or inferior construction and then details would depend on the law. If the building has been completed and accepted by the state, the attorney general says, this would tend to throw liability on the capitol commission.

Name Sandall Adviser.

A statutory limit of four years exists on liability and after that to enforce it on the contractors the fault would have to be extremely definite and specific.

The attorney general has designated C. E. Sandall of York to be legal adviser of the joint investigating committee of the house and senate. Much depends on the legal status of W. L. Younkin, appointed by the architect and paid by the state as superintendent of the building from its start and now on the work. The committee will have to decide whom he represents.

Walter W. Head, member of the capitol commission, while in Omaha Saturday said that the terrace wall situation has been "up before the commission for some time." He told The World-Herald that nothing has yet been definitely settled about it.

"Trouble Minor"—Kimball.

NEBRASKA LEGISLATIVE
RESEARCH BUREAU

"Trouble Minor"—Kimball. "If any defect results in the building from the planning of the architect or the work of the contractor, I, as a member of the commission, feel that the effort should be made to have the one who is at fault assume the responsibility," Mr. Head said.

T. R. Kimball, widely known architect, said in response to questions that his recent use of the "tempest in a teapot" quotation still holds good. He said that all building enterprises develop their own particular troubles, which may be major or minor in nature. He thought that the troubles at the capitol are all of a minor nature and certainly not incurable. In fact he thought them not of a nature to worry by others than the architects and the contractors building the capitol.

"I suggest," he added, "that they should all be referred to them for their attention."

Omaha Firm Builders.

The design of the terrace was made in 1922 during preparation of

drawing for the first section under the original contract with Bertram G. Goodhue and practically all of the terrace was built under this contract by the J. W. Wiese company of Omaha. The terrace is approximately 20 feet wide and 450 feet long on all four sides of the capitol. The space under it is used for state department offices.

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The Architects' Report

(Copyright, 1929, by The Omaha World-Herald.)

In accordance with your request we have examined into the structural conditions of the state capitol building at Lincoln, and beg to report as follows:

After an examination of the general exterior of the building we examined the terrace, or what might better be termed as the one-story portion of the building extending around the main building, on all sides.

The terrace appears to be in a very unsatisfactory condition due, we believe, to improper methods of construction. This terrace is so constructed that unsatisfactory drainage conditions exist inasmuch as the terrace is practically level and drains placed at intervals close to the parapet wall are depended upon to carry off the water from the floor of this terrace.

The drains are inadequate and improperly located, and there is no sufficient pitch from the building proper to the drains. We do not believe that the material used for the waterproof membrane is satisfactory. In any event, the water finds its way through this membrane, and eventually to the parapet wall, resulting, probably through the action of frost, in the dislodging of the stone parapet in many places.

Where the ends of the stone are exposed, it is quite apparent that anchors have not been provided.

The stained ceilings under the terrace are no doubt due to leaks through the terrace floor, due to the conditions above mentioned.

The main building proper, or that portion above and inside the terrace walls, seems to be in very good condition. On the exterior walls of the super structure there are a few stones which show inconspicuous fine cracks. We found two places where these may be due to a very slight movement in the structures themselves, while the others we believe to be stones which were possibly damaged during the process of setting.

The stains of the exterior are not unusual, and are partially due to the fact that there are very few drip courses; that most of this dirt lodges on sills and other projections and is in turn washed down by rain and snow,

causing the staining. This is something that is very difficult to prevent. These stains will be found on any building faced with any soft stone such as the Bedford stone used in this building, and inasmuch as this is sometimes known as the nation's building material for the facing of fine buildings, we do not believe that there can be any criticism from this standpoint.

Building of this type where such stone is used can be kept in a satisfactory condition by first cleaning the stone and then applying a colorless liquid coating—a waterproofing compound used for this purpose.

The open joints of the main building are, we believe, caused by the shrinkage in the rather unusually heavy mortar joints between the stones.

Cement stains are somewhat in evidence on the exterior and somewhat pronounced in the main lobby and rotunda.

The large marble columns and wainscoting were examined and we regard this work to be quite satisfactory. In most of the fine imported marbles, many of which are used in this building, it is impossible to obtain a marble without seams, and these seams are cemented together when the marble is installed, and the seams filled with colored wax to match the marble. This is an accepted practice, and does not in any way affect the permanence of the work.

We have made no effort to check the building with the plans and specifications, as the time at our disposal was inadequate for that purpose.

The portion of the building showing defective construction is such an inconsiderable part of the entire structure that we cannot close this brief report to you without expressing our approval of the fine structure the state of Nebraska is erecting for the use of its people. The criticisms we have made refer to portions which can be repaired without in any way affecting the building proper.

As some critic very aptly said, "Here is a building essentially new in conception, and as living as architecture can be living—a building which in itself marks a new style."

Respectfully submitted,
SETH J. TEMPLE,
WILLIAM E. FISHER.

NEBRASKA LEGISLATIVE REFERENCE BUREAU

#228

REPORT TO GOODHUE

The criticism of the two architects invited by The World-Herald to examine the capitol building, as it related to the terrace floor was submitted to the G. B. Goodhue associates, architects of the capitol by telegraph Friday.

They replied that they would refer the request for information to the Nebraska capitol commission to whom they said they had previously submitted a detailed report on criticisms of the building. The Goodhue report is on Page 16 of this section.

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NEBRASKA LEGISLATIVE
REFERENCE BUREAU

NEBRASKA'S CAPITOL

The Kansas City Star, misled by publications appearing in an Omaha newspaper, proclaims to the world that Nebraska's new capitol, universally acclaimed as a unique and magnificent architectural triumph, is on the point of dissolution. "Walls are cracking, great stones are crumbling, roofs are leaking, plastering is damaged, and some parapets are about ready to fall. . . . One newspaper, after an investigation, suggests the great central tower, the tallest building between Chicago and the Pacific ocean, may topple before it is completed."

Such reports, spread broadcast, do incalculable damage. The damage is not confined to the world-famous architectural organization that designed the stately structure and is responsible for its erection. It strikes at the heart of Nebraska and humbles its good name in the dust. The world wonders what kind of state is Nebraska, what kind of people inhabit it, what kind of civic leaders it has, what is the nature of its government, what is the level of its intelligence and public spirit, that it has permitted itself to be so scandalized and swindled in its proudest and most ambitious undertaking. And if the reports were true the world would have a right to ask these questions. It would have a right to conclude Nebraska is a disgrace to the civilization to which it audaciously had aspired to contribute one of the noblest artistic achievements of all time.

It was for the purpose of learning the truth from competent and informed authority that The World-Herald invoked the services of the two distinguished architects whose report, after an inspection of the capitol, was printed in this newspaper yesterday.

(over)

* * *

That report was not all that Nebraska would have wished it to be. Neither, fortunately, was it what Nebraska might have been led to fear. One serious defect is found, but only one. And that appears in "an inconsiderable part of the entire structure" and "can be repaired without in any way affecting the building proper." The main building is "in very good condition." The architects express their "approval of this fine structure" which is "a building essentially new in conception and as living as architecture can be living—a building which in itself marks a new style."

The defect consists in inadequate and improperly located drains on the roof of the one-story portion of the capitol. It is this that has resulted in the dislodging of some stones in the parapet, and caused stains that at best "are not unusual" and are "very difficult to prevent." And at worst the defect is a minor matter, readily subject to cure. Other criticisms, of which so much has been made, are dismissed as ignorant or inconsequential.

Nebraska may regret that its beautiful new capitol could not have been finished without a single fault having attended its erection. That, however, would have been an accomplishment almost without precedent. Architecture, especially in the case of so huge and novel a structure as our capitol, is a very fine and difficult art that must cope with great and often unexpected problems. These must be dealt with as they occur, and occasionally in the light of hindsight rather than of the best foresight. Much the same trouble discovered at Lincoln was found in the erection of the splendid Lincoln monument at Washington—and was cured as the fault found in our own building will be cured. There is hardly a home built, however carefully, under however skillful direction, without a similar experience.

* * *

Nebraska, according to Seth J. Temple of Davenport and William E. Fisher of Denver, impartial and well known architects, has nothing to be ashamed of, nothing to be afraid of, in its capitol building. It has reason to be proud of it, instead. It has reason to be confident that many future generations of Nebraskans will be grateful to the men and women of this generation who, out of their own hard-earned money, without incurring a single dollar of debt for their descendants to discharge, have caused the erection of a monumental work of art, lofty in conception, noble in motive, novel in design, that for centuries to come will stand as one of earth's most beautiful and impressive structures.

Star, March 25, 1929

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#231

Voluminous Records of 1923 Probe Given to Committee

Star 3-25-29
John Wiltse of Falls City, who as a member of the senate headed the legislative capitol investigation committee in 1923, presented the records and findings of that committee to the new point committee which started its probe Monday morning.

The voluminous records included testimony, correspondence, blue prints, contracts, and numerous other papers connected with the former quiz. They were identified and recorded by the committee with the assistance of Attorney General Sorensen.

Asked if he cared to submit a general statement regarding the 1923 investigation, Wiltse told the members that he did not care to go into detail, since six years had elapsed and he did not feel that he could recall more than some of the general findings. The records, he said, would give the committee more information than he could.

He did mention some general defects which he said the committee had recommended be remedied. He recalled that the committee had felt that certain specifications for material had limited the bidding to one or two firms, but he made no comment as to whether he thought the committee's suggestions had been carried out since.

Representative Essam was the only member of the committee not present at the hearing. Senator Kryger presided.

Witnesses before the investigating committee will receive only expenses. Discussing what to do about fees the committee Monday morning decided against any regular schedule. Such witnesses as are called by the investigators will be paid out of legislative funds for such expense as required in appearing. The first claim allowed was that for \$9.72 of John Wiltse, for railroad fare between Falls City and Lincoln, and other actual expenses.

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World-Herald, March 25, 29

RECORDS OF OLD QUIZ OPEN CAPITOL INQUIRY

W. H. Herald 25, 29
Legislative Group Questions
Former Senator John
Wiltse.

TO MEET AGAIN FRIDAY

Lincoln, Neb., March 25 (AP).—Resolving itself into an official court of inquiry, the joint legislative capitol investigating committee today received voluminous reports on the probe of 1923, heard a brief summary of that inquiry from former Senator John Wiltse, Falls City, and then adjourned until Friday afternoon at 2.

In the interim, Chairman Kryger announced, the committee may meet in executive session to deliberate upon the documents in its possession.

The committee may determine selection of a consulting and advisory engineer tomorrow, Harry K. Easton, Omaha, a senate member of the group, stated today.

Mr. Easton said the board will hear the application of Albert C. Arend, Omaha, who was consulting engineer for the Douglas county courthouse, and who directed salvaging the Tekamah courthouse when settling occurred, and of others suggested by members of the committee.

He said an auditor to serve during the investigation may also be named.

With Attorney General Sorensen as the interrogator, and a house of representatives stenographer as official reporter, the inquiry received today the following exhibits, provided by Mr. Wiltse, who was chairman of the 1923 committee:

Old Evidence on File.

Exhibit A—The 470-page copy of evidence upon which the eventual report and recommendations were based.

Exhibit B—A copy of the senate probe resolution presented by the senator in 1923.

Exhibit C—A blueprint relative to casement windows. (One phase of the objections entered at that time).

Exhibit D—Letters and other correspondence between various individuals and the capitol commission relative to mats.

Exhibit E—Blueprints and plans as submitted to the committee.

Exhibit F—Letters, papers and contracts.

Exhibit G—A blueprint detailing questioned overlapping of stones in the west and north wall. (Now the center of criticism).

Exhibit H—A copy of the final investigation report, signed by the six members of the committee.

NEBRASKA LEGISLATIVE
REFERENCE BUREAU.

Recalls Findings.

Invited to submit a general statement concerning the 1923 probe, Senator Wiltse declared that he would suggest a perusal of the committee report.

"Six years have elapsed since that time and I wouldn't undertake to delve into what occurred at any length. We did find that what appeared to us to be a restriction in the purchase of a certain type of radiators, which seemed to confine purchases to one firm.

"A requirement that carvings be awarded to one firm also seemed to us to preclude the bidding by others. We also questioned requirements in the purchase of acoustic tile, believing that a less expensive and better tile, such as that used in Washington, might have been provided for one-third less," the former senator said.

George Johnson Is Present.

George Johnson, former state engineer, a witness before the 1923 investigation committee, appeared today and though he was not questioned, he referred the board to certain blueprints relative to changes. These, he said they would find, were marked with "yellow" lines.

Prof. Clark Mickey of the University of Nebraska college of engineering, also a witness in 1923, was present but not questioned. He will be called later.

Another member of the legislature, Representative Kendall, of Dixon county, was a member of the investigating committee six years ago and will be summoned as a witness.

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#233

Journal April 1, 1929

PROBERS OF STATE HOUSE HAVE PLAN

Desire Critics of Construction to File Written Statements Under Oath.

Jan April 1, 29

The joint committee on capitol investigation held a meeting Monday to hear prospective candidates for the post of advisory engineer for the committee. No selection was made. The committee heard two engineers, A. C. Arend of Omaha and Prof. A. H. Kimball, of the Iowa City state engineering college. Both are being considered by the committee. These two, together with Roy M. Green of Lincoln, R. E. Edgecombe and John Latenser, jr., of Omaha, were recommended by the Nebraska section of the American society of civil engineering. It is said Mr. Edgecombe and Mr. Latenser are deemed out of the race. Another meeting is to be held late in the afternoon to select an advisory engineer.

Senator Kryger, chairman of the joint committee said it had been decided that formal complaints have been deemed advisable in order to eliminate trivial affairs or hearsay charges. The committee will desire any one having criticism of the capitol to file a written statement sworn to before a notary public. If charges are confined to sworn statements the committee will have something substantial to work upon. These charges will possibly be filed with C. E. Sandall, attorney chosen by the attorney general to assist the committee.

Under this method of procedure former State Engineer George E. Johnson is expected to file written charges. The committee, however, will proceed under the resolution adopted by the two houses regardless of whether any charges are filed. Mr. Johnson formulated the resolution adopted by the two houses and is desirous of an investigation similar to one he instituted six years ago when he filed written charges against Architect Goodhue, designer of the capitol, and which were heard by a legislative committee.

World-Herald, April 1, 1929

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NEBRASKA LEGISLATIVE
REFERENCE BUREAU.

Reason for Impatience.

H. H. [unclear] Republican.

The folks who do not like the new capitol building are entitled to express themselves on taste; the folks who think it is costing a whale of a lot of money are entitled to their kick; but there ought to be very little patience shown for the newspaper or the critic who says the building is un-

safe and liable to fall down before an official investigation is made. Nebraska will be known eventually for one thing, namely, its outstanding capitol building. No matter how loud the critics may complain or how foolishly the fault-finders may condemn, the capitol will stand for long years to come, a tribute to architectural genius and a model of usefulness and beauty. All the calumny that may be assemhled can never discredit the building in the eyes of the people. They can see its beauty and utility too plainly for that.

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#235

Journal, April 3, 1929

NEBRASKA LEGISLATIVE
REFERENCE BUREAU.

CAPITOL COMMISSION SUBJECT OF CHARGES

Jan April 3, 29
**GEORGE E. JOHNSON
ALLEGES FRAUD.**

Files Statement With Legis- lative Committee Charg- ing Conspiracy to Cheat.

George E. Johnson, former state engineer and one time member of the capitol commission, who filed charges six years ago against Architect Bertram G. Goodhue, filed charges Wednesday with the legislative investigating committee, alleging that the capitol commission as it existed at the close of 1923, defrauded the state and that a conspiracy with others, in it existed. His charges touch upon the capitol commission since that date in that settlements of claims mentioned by him were effected by the commission as it existed when Governor McMullen was its chairman. Charles W. Bryan was governor and member of the commission in 1923 and 1924. Johnson alleges in his charges that he "resigned" his position under the Bryan administration.

The charges are in writing as required by the legislative committee, and acknowledged before a notary public.

Fred Carey, reporter for the Omaha Bee-News, also filed a complaint.

Former State Engineer Johnson alleges that Mr. Mayer of the architects office, also representatives of the Indiana Quarries company, representatives of the Henry Struble Stone company and William Younkin, clerk of the works, are the persons who entered into a conspiracy "and defrauded the state out of many thousands of dollars" by agreeing, furnishing, erecting and certifying for payment a cheaper grade of stone than the state had purchased;

"That the capitol commission as it existed at the end of 1923 knowingly and wilfully re-employed the aforesaid Mr. Mayer and his associates after the commission had

Continued on Page 12.

found that said conspiracy existed and had forced contractors to return a part of the money to the state;

"That the capitol commission in making final settlements knowingly accepted and paid for stone in the walls of the state capitol that were broken prior to the date of final settlement.

"That the capitol commission knowingly, wilfully defrauded the state out of many thousands of dollars by accepting the marble work in the state library and six of the main columns in the building when they knew that materials were broken and defective;

"That the capitol commission wilfully proceeded with plans for construction of outer walls which are now in a bad state of disintegration after knowing that said walls would bulge, break and disintegrate as they have done;

"That the capitol commission is guilty of wilful squandering of more than \$1,000,000 of state money for Gustino tile and accepting this material without competition when the commission knew it was costing the state from eight to nine times as much as other materials that are being used in government and state buildings."

Mr. Johnson's statement says he realizes these are grave charges, so grave that the proof of one of them should be sufficient to cause the removal of the capitol commission. He says he wishes to furnish evidence to substantiate the charges. In addition to these charges he says there were other instances of agreements between Younkin and the contractor to defraud the state at the time he, Johnson, resigned from office. He asks permission to examine the records of the commission with the legislative committee's accountant to determine what disposition was made of such conspiracies. The statement is acknowledged by George E. Johnson before George Johnson, notary.

C. E. Sandall, attorney for the committee, read into the record a lot of old records showing the history of the capitol and its construction.

Reporter's Complaint.

Fred Carey, Omaha Bee-News reporter, submitted to the committee a statement which he said came

(over)

In response to your request that criticisms of the state capitol and its construction be made to you in writing."

Carey's charges vary from walls "rapidly going to pieces," to discoloration of stones. Many large stones in the walls are cracked, he claims, and marble pillars show cracks. He criticizes the ventilating system, and various sections of paneling, plaster and floor. Ineffectiveness in limiting the capitol's total cost as well as specific instances of unwise buying are which Carey says he has based on personal investigation, follow:

"The parapet around the terrace on the top of the first story is rapidly going to pieces. The stones are separating. At the southwest corner the coping below the parapet is propped up with wooden wedges.

"The terrace floor is in poor condition. It leaks in many places. The surface is becoming loose, the floor is bulging and many cracks appear in it.

"Many large stones in the walls are cracked, both inside and outside the building. On the west side of the main north entrance, on the north wall of the great arch are five cracked or broken stones, one above the other.

"Cracks are plainly discernible in the marble pillars on the main floor of the capitol. One of the large green pillars is cracked in several places. Marble panelling in the state library is cracked and broken in scores of places.

"The tile floor inside the main north entrance is cracking badly and appears to be going to pieces. Plaster thruout the corridors is badly cracked. This is especially true in the first story corridors and will not be entirely hidden by marble wainscoting which the commission proposes to install. Stones in the walls are badly discolored and are not uniform as to the texture or color."

Attention is called to the fact that the legislature has twice endeavored to limit the cost of the capitol building. The original bill passed in 1919 fixed the cost at not to exceed \$5,000,000, and the commission told the legislature that the limit would not be exceeded, Carey states. Again in 1925 the legislature attempted to set a limit, setting \$9,000,000 as the amount which was not to be exceeded for the total cost, including "furnishings, (fixtures, heat and power plant and landscaping of grounds. Mr. Carey declares that the commission's own figures estimate the cost of the building and grounds will be not less than \$9,625,000, and probably will be much more.

It is charged that the acoustic tile, which according to the investigation of 1923 was to cost \$400,000 and be more expensive than other tile has not been satisfactory. He cites the present house chamber as an example.

"The capitol commission in one instance rejected a bid of \$28,000 for electrical work and shortly after let the contract to the same firm for \$46,990," Carey charges.

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#237

RAISES CRY OF FRAUD IN BUILDING CAPITOL

Former State Engineer
Johnson Says Commission
'Conspired.'

CITES FAULTY STONES

Lincoln, Neb., April 3 (AP).—The Nebraska capital commission, William Younkin, chief clerk of the project, and representatives of numerous quarry companies, were included within the scope of charges of alleged conspiracy, presented to the joint legislature inquiry body today by George E. Johnson, former state engineer.

Declaring that he realizes that his charges, if they are substantiated, are sufficient for removal of the commission, the complainant asserted that he can produce corroborative evidence and asked permission of the committee for access to the public records of previous hearings.

Mr. Johnson's charges of conspiracy allege that the quarry company representatives, a member of the architect's office, Mr. Mayer and Younkin entered into a compact "to defraud the state out of many thousands of dollars by agreeing and furnishing, erecting and certifying for payment, a cheaper grade of stone than the state had purchased."

Says Broken Stone Accepted.

He further charged that the capitol commission in 1923 employed Mr. Mayer after knowing the alleged conspiracy existed. He declared that a portion of the money which figures in the transactions was returned to the state when the commission forced the issue.

The commission is further cited by the engineer in alleged settlement for stone used in the walls, when, he charges, that body knew some of it was brokeu prior to the settlement.

Mr. Johnson also accuses the commission of "wilfully defrauding the state out of thousands of dollars" by accepting marble for the state library and for six of the main columns, when the commission "knew these mats were broken and defective."

A Million "Squandered."

The complaining witness also includes the commission in the scope of similar charges relative to stones used in the outer walls of the building, declaring that they knew the material would bulge and disintegrate.

Accusations of wilfully squandering more "than a million dollars" is also thrust at the commission for the use of a certain type of tile, which Johnson alleges they knew cost "eight or nine times as much as other materials that are used in government and state buildings."

In addition to receiving the Johnson complaint which was read into the record by Special Attorney Sandall, minutes and transcript of the previous hearing, were introduced with a statement from Fred Carey, Omaha Bee-News reporter, who cited alleged defects in the building as detailed in newspaper accounts.

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#238

PROBE OF CAPITOL IS TO BEGIN WEDNESDAY

Law April 10, '29
**TWO FORMER GOVERNORS
MAY BE PRESENT.**

Complainant Johnson Allowed to Examine Records in Presence of Two Witnesses.

April 20 is the date set for adjournment of the legislature, as decided by the joint house and senate committee on adjournment, Senator Reed announced late Tuesday.

The joint legislative committee appointed to investigate charges preferred in a resolution adopted by the two houses and charges filed by Former State Engineer Johnson and Fred Carey, reporter for the Omaha Bee-News, will meet at 10 o'clock Wednesday in the governor's hearing room to take testimony. Walter W. Head, now of Chicago, member of the commission, will be present. The other members of the commission are Governor Weaver, Secretary Cochran of the state department of public works, Judge W. H. Thompson and W. E. Hardy of Lincoln.

Former Governor McMullen and former Governor Bryan may be present, as charges preferred by Mr. Johnson relate to acts of the capitol commission when they were members of that body.

Mr. Johnson states in his charges that he resigned under the administration during the time Bryan was governor. He filed charges six years ago against the architect of the building, Bertram G. Goodhue, who died a year later. Mr. Johnson complained Tuesday to the legislative committee that the lady stenographer for the capitol commission would not let him see records except in the presence of a member of the legislative committee or capitol commission. Some fireworks followed. Mr. Johnson appealed to Chairman Kryger of the committee and to the office of Governor Weaver. Later in the day Mr. Johnson was given access to the records, Judge Thompson of the commission and Senator Easton of Douglas, of the legislative committee, remaining at the same table with him while he examined papers and documents.

A watchman is reported to have been placed on duty about the capitol commission's office Tuesday night by State Sheriff Condit.

Mr. Carey called at the office during the day to see a record. He received the same information that had been imparted to Mr. Johnson.

Journal
April 10, 1929

NEBRASKA LEGISLATIVE
REFERENCE BUREAU.

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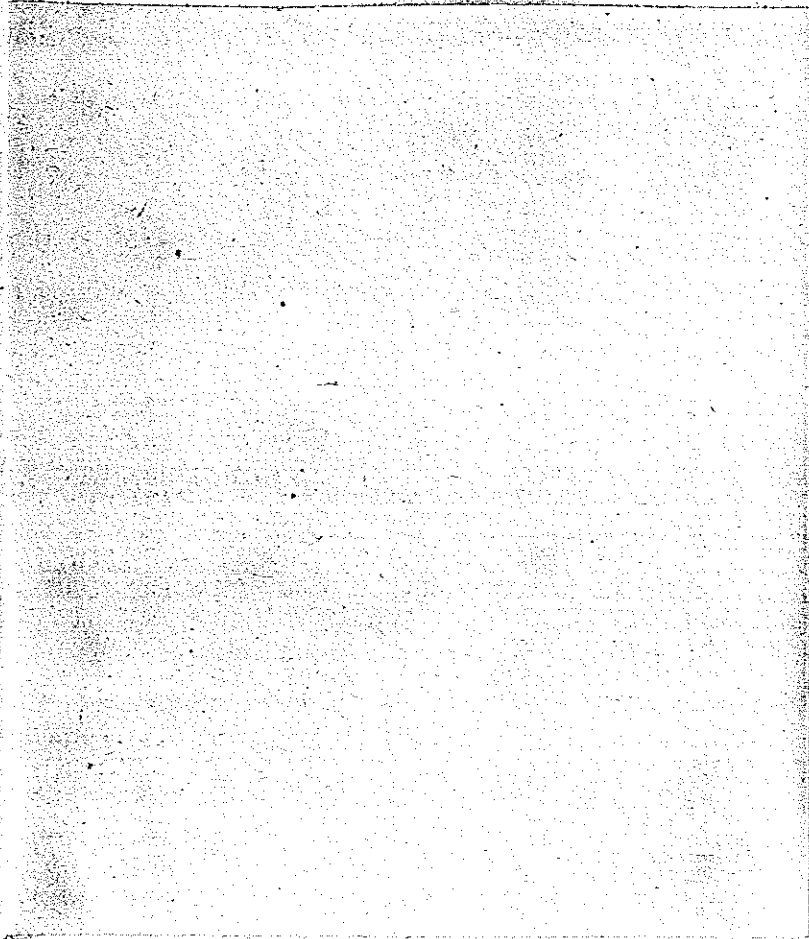
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World-Herald, April 11, 1929

Head and Johnson
at Capitol probes.

NEBRASKA LEGISLATIVE
REFERENCE BUREAU.



HEAD AND JOHNSON IN HOT EXCHANGE AT CAPITOL PROBE

W.D. [unclear] 4/11/29
Former State Engineer Tells
Charges—Clashes with
Commission Member.

DEFECTS ARE CALLED COMPARATIVELY MINOR

(By a Staff Correspondent.)

Lincoln, Neb., April 10.—The legislative committee investigating charges against the capitol commission brought by George Johnson, former state engineer and member of the commission, heard this afternoon more of Johnson's complaints that the stone in the outer walls was defective, both in itself and in the way it was laid; that the capitol commission "squandered approximately a million dollars of the state's money" in its purchases of tile for the interiors; and lastly that F. S. Mayer, representative of the architect, W. L. Younkin, clerk of the works on building construction, representatives of the Henry Strubble Stone company of Indiana, and the Indiana Quarries company "entered into a conspiracy and defrauded the state out of many thousands of dollars by certifying an inferior grade of stone."

Falters at Charge.

Relative to the charge of "squandering" which he laid against the members of the capitol commission, Johnson hesitated when the charge was brought up for consideration by Attorney Sandall, representing Attorney General Sorensen.

"Perhaps that's the wrong word," Johnson faltered, "and if Mr. Head wants to modify it I would be glad to consent."

"I'm asking for no modifications of your charges," said Mr. Head. "You must make your own charges," advised Attorney Sandall. Johnson let the word stand.

Early in the afternoon Johnson took the committee followed by two or three dozen others, on a second tour of inspection, this time to the exterior of the building. This morning he led the committee to inspect the interiors.

Johnson Accuses Head.

In the course of the tour, Johnson entered into an altercation with Walter Head, commission member, which became very heated on Johnson's side. Johnson charged Head with lying. Head expostulated. "Now, let's discuss this matter without that sort of thing," Head suggested.

"No" snapped Johnson, his face very red and waving his hand very close to Head's face, "when a man

(Continued on Page 4, Column 2.)

lies to me once I don't want to have any more to do with him." Head had been pinning Johnson down on several of his charges regarding the cause of the slight cracks in the outside stone, and pointing out stones which were cracks obviously for other reasons than the causes Johnson assigned. Improper setting of the stone and insufficient "break" in the joints, Johnson charged, had caused the cracking. Head pointed out many stones with joints longer than Johnson said they should be, but which still had slight cracks in them.

Waste on Tile Asserted.

Johnson charged Head and the rest of the commission with having been "bullheaded."

"I told you six years ago that these things would happen unless a change was made," Johnson said, "but you were so bullheaded you went right ahead without regarding my advice."

Johnson charged that the commission had paid \$2.50 a square foot for the Gustefino tile in the interior, that they had specified this particular make of tile in the contract, and that other manufacturers had testified in 1923 that they could have produced a tile just as good for a dollar a square foot. "They were shut out from competitive bidding by the specification," Johnson said, "and when the commission spends large sums of money in that way, I call that 'squandering.' I'll let that word stand."

Thinks Price Low.

Bernard McNeny of Red Cloud, representing the architects, declared that the bids had been opened up to everybody after the objection in 1923 and that the manufacturer who testified the tile could be bought for a dollar, failed to bid.

"Mr. Gustefino told me," said Mr. Mayer, "that he found the task of getting the proper colors in the tile for the decorative work such a task and wasted so much material in trying to arrive at the required effects, that if he were asked to do a ceiling such as that of the house of representatives chamber again, for which he was paid 10 thousand dollars, he would need at least 40 thousand dollars."

Charge Brings Laugh.

Asked the question by Mr. Head, Johnson declared that the building, as it stands today could have been built for the original appropriation of five million dollars. This declaration brought laughter from the audience and indignant protests from Head and Judge W. H. Thompson, commission members.

"Do you mean to tell this com-

Johnson against Architect Goodhue.

"After the stone began to arrive I decided that it was not up to specifications," began Johnson. Former Governor Bryan declared that the investigation into the stone in 1923 was ordered by him, and that Johnson's part in it was merely that of one of his appointees performing a job to which he was assigned by the governor.

Johnson and Prof. Clark Mickey of the engineering department of the University of Nebraska testified they had made a trip to Bedford to investigate the stone situation, and found that three grades of stone were being sent to Lincoln for the capitol, one of which could be bought for 35 cents a cubic foot, one for 60 cents, and the best grade for 75 cents. The state, they said, was paying 75 cents for all of it. The three grades, they said, were required by the architect to achieve a certain artistic effect in the wall.

Price Cut Agreement Cited.

Henry Strubble of the Strubble Stone company, which was milling

and the marble was are defective.

Johnson read into clause in the contract that all marble was solid stone; that it from flaws, clay, defects; that each piece subjected to the proval, and if found to be replaced with cost, and that there patching or filling shellac.

"All I want the do," said Johnson, the marble."

Sinks Knife

Johnson started rative, but Attorney Neny of Red Cloud of Lincoln, appeared for the Goodhue architect, protested against. They insisted that all his charges he could better be but this objection drawn.

Johnson then a committee on a to and pointed out

mittee that this building, as it has been built now, ever was intended to cost five million?" asked Judge Thompson. Judge Thompson said that the plans were changed when it was evident that the additional money would be available and that when the plan to build it for five millions was still in existence the specifications were much less elaborate.

Johnson also complained to the committee that he had been refused permission to see some of the capitol commission's records. The stenographer in charge of the office refused to let him see them, he said.

Cochran Makes Denial.

This was indignantly denied, in effect, by Secretary Cochran, and commission members. Cochran said that on one occasion when he was out of his office, Johnson asked to see some records and that the stenographer, not being able to find him, did not know what she should do. "When I returned I gave an order for any record to be produced for Mr. Johnson," Cochran said.

On the conspiracy charge against Younkin and Mayer, and the stone and quarry companies, Johnson claimed that Mayer, representing Architect Goodhue, went to Bedford, Ind., in 1922 and arranged to certify stone of a grade lower than that specified in the original contract at the price for which the higher grade stone was contracted.

Stone Contracts Discussed.

The rest of the afternoon was spent in discussing the stone contracts, all of which were the chief burden of consideration during the exhaustive investigation of 1923, which charges were also filed by Johnson against Architect Goodhue.

"After the stone began to arrive I decided that it was not up to specifications," began Johnson. Former Governor Bryan declared that the investigation into the stone in 1923 was ordered by him, and that Johnson's part in it was merely that of one of his appointees performing a job to which he was assigned by the governor.

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Henry Strubble of the Strubble Stone company, which was milling

the stone and shipping it here, Mickey said, admitted to him that the stone was inferior to that called for in the contract, but said the architect wanted it that way.

On cross-examination, Attorney Cline produced a written report, signed by the members of the capitol commission and by Mickey, in which it was declared that, upon test, all three grades of stone were found to be entirely strong enough for the capitol walls. These tests were made by Mickey. Under this agreement, Mickey and the commission, of which Johnson was then a member, agreed to use the three grades of stone. The price was cut from 75 cents to an average of 61 cents.

"You signed that report, approving all this stone, didn't you?" Walter Head asked Johnson. "You voted for the agreement on this stone, just the same as the rest of us."

The report as read by Attorney Cline, set out that Prof. Mickey had tested the stone, and found that it was "good material." Except for color and texture, Cline read, the material was declared equally good with that listed in the specifications, and it was the different color and texture that Goodhue wanted to relieve the monotony and achieve artistic effect in the walls.

The committee adjourned at 5:30 p. m., this afternoon to meet again at 8:30 tomorrow morning.

Tomorrow Johnson is expected to complete his case and cross-examination will be begun by Attorneys Cline and McNeny.

Johnson's first charge this morning was that marble pillars at the front entrance and in the rotunda, and the marble walls in the library, are defective.

Johnson read into the record the clause in the contract providing that all marble was to be cut from solid stone; that it was to be free from flaws, clay, and other defects; that each piece was to be subjected to the architect's approval, and if found defective was to be replaced without additional cost, and that there was to be no patching or filling with wax or shellac.

"All I want the committee to do," said Johnson, "is to examine the marble."

Sinks Knife to Hilt.

Johnson started a running narrative, but Attorneys Bernard McNeny of Red Cloud and Earl Cline of Lincoln, appearing as attorneys for the Goodhue firm, the architect, protested against "lectures." They insisted that Johnson present all his charges at once, so that he could better be cross-examined, but this objection was later withdrawn.

Johnson then accompanied the committee on a tour of inspection, and pointed out alleged defects.

With his pocket knife he poked at places he said had been filled.

Resuming his testimony, Johnson started recounting his versions. Attorney General Sorensen winked at C. E. Sandall of York, appointed by Sorensen to represent the committee as its attorney. Sandall halted Johnson, and thereafter the taking of testimony was by questions and answers, as in regular court procedure. Johnson broke from the rule several times, but each time was halted.

Tilts with Attorneys.

Clashes between Mr. Johnson and attorneys marked the tour of the building.

Probing with a knife, Mr. Johnson pushed the blade to the hilt into a crevice in a column in the main rotunda.

"That, you can see, is broken completely through," he declared.

"How can you tell, you can't see through it," one of the attorneys countered.

Capitol Commission Attends.

Johnson's further probing of the marble irritated Attorney McNeny.

"You shouldn't deface this building," he objected vainly, as Johnson proceeded.

From the rotunda, Johnson led the investigators, who had been joined by several score building visitors, to the state library. Here he attempted to point out innumerable defects, supplementing his statement to the committee, that "not a solid piece had been used there."

Front seat spectators at the hearing were members of the capitol commission, Governor Weaver, Walter Head of Chicago and Supreme Justice W. H. Thompson, State Engineer Roy Cochran, ex-officio member; former Governor Charles Bryan, and F. S. Mayer of New York, present head of the Goodhue firm of architects, who are completing the building.

Head Tells of "Mistakes."

Following the tour of inspection, Mr. Head said:

"I want it known distinctly that at all times I have taken the greatest interest in the construction of the new capitol, and for 10 years have given the best I have in time and ability. I think the building is one of the most beautiful in the entire country. I do not contend that errors have not been made, but I do say that the errors and defects are comparatively minor, due to human mistakes. Personally I make mistakes 365 days out of every year."

The hearing was to be resumed at 1 p. m.

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TESTIMONY OF JOHNSON ENDED

Says He Believes He Has Proven Conspiracy Charge. *Star, April 11, 29* Former State Engineer Denies Was Asked To Resign.

Evidence to be submitted by George E. Johnson, former state engineer, in his attack upon the Nebraska capitol commission, the members of which he now charges with conspiracy in connection with alleged inferior materials and poor workmanship in construction of the new statehouse, had been completed at noon Thursday.

And in concluding his case, except for possible later rebuttal testimony, Johnson subjected himself to cross-examination at the hands of attorneys for the architects, who were also included within the scope of his charges.

Interrogated by Attorney Cline, Johnson vigorously denied that he was compelled by former Governor Bryan to resign his post when the 1923 investigation was launched.

"I had an understanding, as well as other McKelvie appointees, that if Bryan got tired of me, or me of him, we would part company," Johnson remarked.

"Isn't it true that your resignation was requested?" Cline hurled back.

"It's not true that Bryan asked me to leave," the witness then answered.

Relations between Mr. Johnson and members of the commission, and inferences concerning prolonged service of its members without compensation, opened a question relative to the general character of the three appointed members.

"Isn't it true that they are of the highest standing?" he was asked.

"Well as far as people go, their character and records may be alright, except for what some people might say," Johnson answered.

Charges Similar.

Referring to the 1923 probe, the attorney brought confirmation from Johnson that the charges preferred then against the architect, were similar, to a certain extent, to those now pending.

"In the former investigation I directed all irregularities against the architects, I thought then that the commission had used the best information available," Johnson declared.

"And now you charge the capitol commission with conspiracy using largely the same evidence as introduced before," Cline shot at the witness.

"No, so far as conspiracy is concerned, it occurred since then, by the commission's acceptance of marble and stone material that was inferior and broken and not as specified," he replied.

Mr. Cline then introduced a letter written by Johnson to the 1923 legislature in which he absolved the commission of blame for use of alleged inferior materials.

"You wrote that with the same information you have now," the attorney then questioned, Johnson qualifying his response with reference to later so-called revelations.

Has No Animosity.

Declaring he had not changed his opinion of members of the commission and that he had no animosity toward them, Mr. Johnson was asked what had altered his attitude toward the members, Head, Hardy and Thompson.

"Well because they ignored findings of the committee six years ago and used tile and stone they should not have," Johnson answered.

Producing a commission recommendation, advocating use of stone as delivered, signed by Mr. Johnson and others of that body, the witness explained that he signed the agreement believing that all poor stone would be taken out, contending, however, that the material received was of a poorer grade than that contractor for and that consequent deductions amounting to about \$40,000 were made.

Mr. Johnson moved the hearing to laughter, when he was quizzed concerning who first discovered presence of inferior material.

"Was it not Governor Bryan who found it thereby saving \$45,000 dollars?" he was asked, replying that if the latter had, he would also have "saved the state the price of the capitol."

Subsequent attempts by Mr. Cline to question Mr. Johnson relative to his foundation for charge of conspiracy against the commission, resulted in an entanglement between the two and the witness' firm declaration that "they all knew what was going on."

He did not reply affirmatively, however, to inferences that the 1923 investigating committee had determined that a definite conspiracy existed.

Says Conspiracy Proved.

Instead he added this: "I say that the forced return of money on the purchase of stone proved a conspiracy."

He also admitted under continued cross-questioning, that he had opposed acceptance of the refund.

"I was opposed to taking the money and accepting the stone that we got."

Quizzed concerning conspiracy by the commission in retaining F. L. Mayer of the architect firm, Johnson declared the return of money and condition of stone, affirmed that point.

When asked to definitely state the number of broken stones found in the outer structure, Johnson declared he could account for possibly 26, and that he might find 25 more.

"This then is the extent of faulty stones out of some 200,000 now in the building?" Mr. Cline asked.

NEBRASKA LEGISLATIVE REFERENCE BUREAU

(over)

"As near as I can tell now though there may be more," Mr. Johnson answered.

In closing his case, the complainant declared he believed he had sustained his charges by references to the record of the former hearing and his own testimony.

In reference to the "squadring" by the commission of a million dollars for tile, Mr. Johnson presented a definition of the term:

"To spend lavishly or profusely or liberally," it read.

"This, I believe is properly used," he added.

Protested Stone.

Mr. Johnson also submitted testimony purporting to show that Bertram Goodhue, late architect, demanded a specific Bedford stone.

Referring to testimony taken at the 1923 probe, Mr. Johnson produced his statement at that time in which he protested use of the stone contracted for "because the price was \$115,000 over what he believed it should be."

"Mr. Goodhue demanded stone only available through the Indiana quarries," his testimony read.

His evidence at that time, as reproduced today, included the statement that Goodhue had represented the Indiana company as the only one able to furnish the stone specified.

"I found that the Consolidated company could furnish this stone at 35 cents less per cubic foot," he testified. The adopted contract, he stated under examination of Attorney Sandall, was for 75 cents per cubic foot.

Questioning in 1923 of I. J. Ray, quarry representative, by Governor Bryan, produced the former's denial that the stone could be purchased for 45 cents per cubic foot.

An adjournment between the commission and the quarries on stone which was found not in accordance with specifications, was characterized by Mr. Johnson as "a compromise."

"As far as I was concerned, it was nothing but that," he added.

Made Private Tests.

Private tests of stone from a Kansas quarry made by Johnson, unknown to Goodhue, distressed the latter, the former engineer related to the committee, declaring Johnson objected strenuously to use of stone which stood only 3,000 pounds, asserting he demanded use of 8,000 pound test material.

Questioned by Mr. Sandell, Mr. Johnson declared that competitive

bidding was held on buff stone purchased, but not on the three types largely used in the building.

Upon these purchases of stone not up to specification, Mr. Johnson asserted, he based his recent charges of conspiracy to defraud the state.

In response to Mr. Sandell's request that Johnson explain the basis of his charge of conspiracy against the commission in 1923 in knowingly employing F. S. Mayer, Goodhue representative, after so-called discrepancies had occurred, the complaining witness called for a copy of the contract extended members of the Goodhue firm after the original architect had died.

Judge Thomson of the commission, entered objection to Attorney Sandall's procedure of reading excerpts of the 1923 transcript to the commission.

"I want you to know that you are representing the commission as well as Mr. Johnson," the jurist declared, adding, "It seems that there is an undue advantage being taken in that portion of the proceedings are being read and emphasized."

To this the special state's counsel declared he was not representing any one individual.

"I am only trying to bring out all pertinent facts," he added.

Journal, April 12, 1929

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Capitol Probe, 1929

NEBRASKA LEGISLATIVE
REFERENCE BUREAU.



WALTER HEAD ON STAND; REFUTES JOHNSON CLAIMS

Explains Commission Work Since Beginning of Con- struction—Funds Inadequate.

Continued from Page 1.

the past few years with the condition of the terrace walls. This problem has been before the commission many times, and we have discussed it with the architects. We have felt that we should not attempt to repair these walls until we had determined fully what effect contraction and expansion would have on them. There has been no attempt to repair or cover up the defects, as we have been advised by the architects that they were caused by the contraction of the material."

Mr. Head said that the commission's desire has been to apply remedies that would prove permanent in effect. Knowledge of the defects, he stated, developed with the group more than three years ago.

Delving into the policy and workings of the commission, Mr. Head said that since the beginning the members have attempted to agree unanimously on the program put into effect. There have been times of diversity of opinion in the group and with the architects, but such relations have in the main been entirely satisfactory. In Mr. Head's opinion, the contractors have tried to co-operate in all ways.

He said the members of the commission had discussed a plan to select the architect, and unanimously concluded the best method would be one of competition. After a Nebraska competition was held nine other architects were invited to submit plans along with the winner. The Goodhue plans were agreed upon with the advice of expert architectural advisors.

The organization of the commission was criticized by the Omaha member in that the chairman, who has been intimately connected with its affairs during his tenure of office, is retired upon the expiration of his gubernatorial term. The new member cannot possibly have the close understanding and intensive interest that the other members possess, said Mr. Head.

Says Lack of Funds.

The commission has been seriously handicapped in completing the building on account of the lack of available funds, Mr. Head stated. The group has felt its responsibility to give consideration to the state, and as an example worked out a program whereby the state officers could remain in the old

building which was on the site of construction, saving hundreds of thousands in rent.

Even at the first there were no plans presented to erect the building desired for \$3,000,000, according to Mr. Head. It was the commission's task to work out changes for cutting down expense. He said Architect Goodhue gave them to understand that the plans could be reduced to cut cost to five million without impairing the building's utility, but that he (Head) felt that things were being taken out that would make it unfit for the needs of the near future as well as for years to come.

Space Inadequate.

From visiting other capitols, the commission came to the decision that the 7,000,000 cubic feet of space provided for would rapidly become inadequate for the state's needs. Present plans call for 9,000,000 feet of space.

Another unlooked for item of expense came up in hauling the material from the old building away. It was found that no one would do the work for the material.

Provisions for the supreme court chamber and governor's suite were inadequate in the original plans, Mr. Head said. A great responsibility was placed on the commission because there can be but one state house building in Nebraska for this generation. It must do the work for years to come, and the members thought the demands were high enough to provide a building of the present size.

"I look upon my association with the members of the capitol commission as of more personal importance than all my other business associations," Mr. Head declared. "We have been harassed on every side by our friends—the people of Nebraska, told that if we took certain actions we would get into trouble, and threatened for not getting enough for the money we were spending. I believe that, tho many mistakes have been made, we have built a structure satisfactory from a utilitarian standpoint and in keeping with the dignity of the state."

In answers to charges of not allowing proper competition for work, Mr. Head said that the fact that the commission's funds had come in periodically had forced it to build by "piecemeal." This policy did not attract large numbers of contractors. Another disappointment has occurred in that the group looked forward to a time when work and material would be cheaper. Rather, he said, costs have increased.

For himself, Mr. Head said he has not been able to set the figure for total cost, since he does not know definitely when the building will be complete. It is a very serious handicap that money is not immediately available, he said, for it is, work could be greatly expedited. The Omaha member prophesied that it would be at least three years before the building is finished.

Comparable to Any of Kind.

Mr. Head declared that he knew of no building of its kind in the

world comparable to the Nebraska capitol. He took no credit for the selection of Mr. Goodhue as architect. "I am the only member of the original commission who voted against the Goodhue selection, and I am ashamed of it," he said.

"We are, in my opinion, dissipating the greatest resource of the state when we let the report go out that our capitol is falling down and that the commission is squandering money," Mr. Head declared. He said, however, that he favored an investigation because he wanted it settled once for all the kind of building that is being erected.

Johnson Claims a Surprise.

The legislative investigation of 1923 grew out of charges filed by Mr. Johnson, then secretary. Mr. Head said his first intimation that such statements were to be made came when Johnson made the charges at a meeting of the commission without consulting any of the members. Head characterized the statement as "not only an accusation of the architect, but an indictment of all the members of the commission."

Mr. Head said the secretary told him that his reason for bringing his charges without consultation was that the governor was investigating the same matters. Copies of the statement had been issued to the press before it came out in the meeting, he claimed. Johnson insisted that no reflection upon the members was intended, "recognizing that whatever Goodhue did, the commission was responsible for."

"The legislature appointed an investigating committee, and I felt that the three permanent members were on trial," said Mr. Head.

The commission held a hearing at which Mr. Goodhue, the contractor, and a representative of the stone company appeared. This session resulted in an agreement on the price of the stone at the average of the three grades being used.

Says No Conspiracy.

Taking up Johnson's written charges, Mr. Head said he had no knowledge of a conspiracy to defraud the state on the part of Mr. Mayers of the architect's office, representatives of the Henry Strubble Stone company and the Indiana quarries company and William Younk, chief of the works at the capitol. On the first section, \$633,900 was paid for the stone installed in the building and he did not know what the Strubble company had paid for the rough stone.

Mr. Head felt convinced that Mr. Goodhue knew what kind of stone he wanted and that that stone was going into the building, but that in paying for select grade the state was not getting value received. In answer to a question of Attorney Sandall for the committee, Mr. Head said he had no way of knowing what percentage of the cheaper grade was used.

The witness said he did not believe that the late Mr. Goodhue received a cent from the limestone company, as Johnson's charges intimated. For service rendered, \$256,600 was paid the architect and his estate. The Goodhue associ-

ates were retained at a reduced fee because they were conversant and capable, according to Mr. Head.

Goodhue Temperamental.

"I admired Mr. Goodhue personally and professionally, but he was not the easiest man in the world to get along with," Mr. Head stated. "I have been ordered out of his office and thrown out, and he has told his associates in my presence not to speak to me." In our contacts with his successors, they have never tried to force on us anything we did not want."

In regard to Johnson's third charge, that stones in the building were broken prior to the date of settlement, Judge Thompson said that final settlement was not to be a waiver in any event. His understanding was that the stone could still be replaced. Mr. Head said that the commission has in mind the correction of the defects when the structure is completed. "Unless we are thrown out, we intend to leave no part of this building unfinished," he said.

The Omaha commissioner said he sought much expert advice on the matter set out in the fourth charge, that the commission defrauded the state by accepting the marble in the state library and in the six columns on the main floor.

Mr. Head stated that he observed the cracks soon after the installation of the work and consulted workmen, the New York architects and T. L. Kimball, Omaha architect. The latter upon examination, he said, characterized the material as "as fine marble as God ever made." It was found that it was impossible to buy marble of the variety used in quantity which would be flawless. The specifications were written in by the architect to protect himself in passing upon the material, Mr. Head said.

He read a telegram from a Baltimore marble firm stating that all the higher colored marbles such as used in the Nebraska capitol, were subject to cementing and sticking.

Will Repair Walls.

Johnson's fifth charge is that the capitol commission proceeded with work on the outer walls, knowing that they were defective. Mr. Head said he had previously stated that the commission would repair the walls. They are not sure as yet who is to blame, and will place responsibility accordingly when they find out.

In answer to the claim that \$1,000,000 was squandered by the commission on Gustavino tile in the building, Mr. Head declared that information had developed from examination of the contracts that but \$387,000 altogether was spent for Gustavino and acoustic tile.

The original estimate of \$400,000 for such material included Gustavino tile for the room now designated for the house chamber, and present plans are to use a timbered ceiling. He figured that the tile needed for the third section, not complete, has already been purchased.

It was claimed that the price

ld comparable to the Nebraska
itol. He took no credit for the
ction of Mr. Goodhue as archi-
"I am the only member of the
final commission who voted
inst the Goodhue selection, and
in ashamed of it," he said.
We are, in my opinion, dissipat-
s greatest resource of the
e when we let the report go
that our capitol is falling down
that the commission is squand-
g money," Mr. Head declared.
said, however, that he favored
investigation because he wanted
settled once for all the kind of
ding that is being erected.

Johnson Claims a Surprise.
The legislative investigation of
grew out of charges filed by
Johnson, then secretary. Mr.
said his first intimation that
statements were to be made
when Johnson made the com-
ges at a meeting of the com-
io. without consulting any of
members. Head characterized
statement as "not only an ac-
tion of the architect, but an
tment of all the members of
commission."

Head said the secretary told
that his reason for bringing
charges without consultation
t that the governor was in-
gating the same matters.
s of the statement had been
a to the press before it came
n the meeting, he claimed.
on insisted that no reflection
the members was intended,
gnizing that whatever Good-
the commission was re-
be for."
The legislature appointed an in-
committee and "I felt
permanent members
said Mr. Head.
Commission held a hearing
ich Mr. Goodhue, the con-
and a representative of the
pany appeared. This ses-
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the tile needed for the third sec-
tion, not complete, has already
been purchased.
It was claimed that the pro-

house chamber is not satisfactory
from an acoustic standpoint. Mr.
Head said that the number of tiles
recommended had not been put in,
but that when the permanent floor,
rugs and draperies are put in he
expects the room to be entirely sat-
isfactory acoustically.

Mr. Mayers, of the Goodhue as-
sociates, quoted from the letter
from an acoustical expert in New
York City to the effect that correc-
tion can be made with heavily lined
rugs, drapes and a large tapestry
panel backed with wood felt. He
declared that 80 percent of the
amount spent for tile was expended
for decorative purposes—the mat-
terial between the blocks and for
coloring and design.

Carey on Stand.
Fred Carey, Omaha newspaper
man, who upon request of the com-
mittee presented twelve charges in
writing, was on the stand during
the early part of the hearing.

He said that while making an in-
spection of the building, Railway
Commissioner Randall told him
that the capitol's ventilating sys-
tem was poor, there being none in
many offices. He affirmed the lat-
ter statement, adding that the only
means of circulation in many
rooms was thru the doors and win-
dows. It was necessary in some of-
fices to use electric stoves to keep
warm thru the winter, Carey
claimed. There was trouble from
drafts also, he said.

The Omaha reporter declared
that the commission had assured
members of the legislature that
the original \$5,000,000 appropria-
tion would not be exceeded. In
1925 the capitol bill was amended
to provide nine million for build-
ing and grounds, while now the
estimate is \$9,600,000, with a strong
probability that that will be ex-
ceeded if the plan to acquire
ground on all sides goes thru.

Another Carey claim was that
the stone of the outer wall is dis-
colored. He said it was almost
black in places, giving the capitol
a dingy appearance. Mr. Mayers
said that the heating plant and
railroad, together with the unkempt
condition of the grounds, have
done much to cause this condition,
and that the walls will be cleaned
when the lawns are laid out.

It was charged that the capitol
commission refused a bid of \$38-
000 for certain electrical work, later

awarding it to the same firm for
more than \$46,000. Carey under-
stood that the reason for not ac-
cepting the first bid was that the
commission thought that the com-
pany could not do the work. He
refused to answer Mr. Head's re-
quest as where he got this infor-
mation.

Later, when he was on the stand,
Mr. Head said that there had been
only two bids for the work origin-
ally, the Schrickler Electric com-
pany of Lincoln bidding \$28,000
and the LeBrown firm of Omaha,
\$48,000. The great difference
caused the commission to investi-
gate, with the resultant discovery
that the Lincoln company could not
get bond for the job at their price,
and had found that they could not
do the work for that sum. The com-
mission then re-advertised for bids,
and accepted the Schrickler bid for
\$46,800.

Picked for Beauty.
In cross-examining Mr. Head,
Attorney Sandall asked whether or
not it was true that the so-called
grade A and B marble is without
Continued on Page 10, Col. 2

lows a seam the break would have to be treated.

"Don't sell the four columns at the entrance," said Mr. McDonald. "There is none other like them in the country."

The thickness of the joints in the outer walls was one of the clever things about the building, adding to the appearance. The joints had to conform in thickness to building size. The artistic effect of the walls have been complimented by imitation.

Mr. Kimball was recalled. He said the columns in place should not be taken out.

Seth J. Temple of Davenport, Ia., architect, was called. He had studied architecture after graduation in Europe. He had inspected the building at the request of the Omaha World-Herald. He was paid by the World-Herald. He had not seen the building before this inspection. A day was spent in

checking the building on points raised in newspaper criticisms. He and Mr. Fisher of Denver, after inspection felt the terrace had gone to pieces because of its manner of construction. In one place he had concluded that some stones had been cracked by a slight movement of the wall back of the facing. Some evidence of careless handling of the stone was seen in other breaks. There was nothing to indicate a pronounced wall movement. If improperly bedded the stones might crack when they take the load. Such cracks are not unusual and are not serious defects.

Mr. Temple had not regarded the flaws in the marble as serious. He thought the pillars in the building were unusually fine. He saw nothing in his inspection that would cause him to suggest removal of any of the pillars.

The marble in the library showed

the usual defects of material of that class. It was very good.

The fine architectural effects and the large amount of utilitarian space had impressed him. It was a dignified building. It had unusual architectural motifs. It was not bizarre. It had effects of elegance without extravagance of materials display. The defects found can be easily cured. Mr. Temple's report made to the World-Herald was read, identified and approved.

He thought the capitol is the first building where the architect dared depart from what had been regarded as elementary in capitol architecture.

He could give no estimate of the cost of repairing the terrace, when questioned by Mr. Sandall.

Marble, he said, is selected for pattern or figure. He had not seen marble slabs in the library that should be replaced.

WALTER HEAD ON STAND; REFUTES JOHNSON CLAIMS

Journal April 16, 22
Admits Some Defects, But
Says Generally "Marvelous Building."

SEEK PERMANENT REMEDY

Explains Commission Work
Since Beginning of Construction—Funds
Inadequate.

The night session was taken up with the testimony of three prominent architects. At its conclusion an adjournment until Friday at 1 p. m. was taken. A night session will be held Friday in the hope of closing the testimony some time Saturday.

Walter W. Head, Omaha member of the capitol commission, was on the witness stand during most of the five hour afternoon session of the joint legislative committee Thursday, refuting charges made by former Secretary Johnson of the public works department as to alleged defects in the statehouse and negligence of the commission in supervising construction.

Mr. Head, who is chairman of the boards of the Omaha National bank and the Nebraska Power company and president of the State bank of Chicago, and has served on the capitol commission since its inception, began his testimony by stating that he does not claim that there have been no mistakes in erecting the capitol.

He briefly described the history of the commission as it has related to him. He was appointed by former Governor McKelvie, and is one of the same three permanent members originally appointed. The others are Judge Thompson of the supreme court and E. C. Hardy of Lincoln. Governors Bryan, McMullen and Weaver have succeeded Mr. McKelvie in order as ex-officio chairmen of the commission, and R. L. Cochran, present state engineer, has taken the place of George E. Johnson as secretary.

"A Marvelous Building."
Referring to the errors made in constructing the state house, Mr. Head said: "As a human being, I make mistakes 365 days a year. I believe, however, that generally speaking we have constructed a marvelous building, and the materials furnished have been satisfactory."

"We have been chiefly concerned

Continued on Page 4, Col. 1.

unusual. He had never had better results than this in buildings he had built. He had seen no stones in the building that should be removed. Not a single cracked stone should be removed, because its removal would cause more damage than good. The building he regarded as one of the finest examples of architecture built in this century. He regarded Mr. Goodhue as one of the leading architects of the world.

Discussing Guastavino tile he told of the use of it in the Missouri state house. There a felt ceiling had been placed and from this a nest of mice had fallen while architects were inspecting it. That felt was a substitute for Guastavino tile. The products of the Guastavino company are beyond criticism, he said.

He said that he had seen no vandalism marring the columns, but had seen his marks. If he had seen any one doing that damage to the columns he would have had that person arrested.

George Johnson began cross examination. He tried to bring out any authority in the specifications that would permit marble substitution. There was argument over what Mr. Kimball had said.

Attorney Sandall asked for an interpretation of what the specifications meant when it was set out that the architect might reject any material used. Mr. Kimball said an architect usually tries to assume an autocratic position to protect his client, the owner. He may reject unsuitable material and does when he can justly do so.

Mr. Sandall asked if there were no specifications for marble should the architect decide what was to be used. Mr. Kimball insisted that Mr. Sandall was testifying instead of asking questions. Mr. Kimball insisted that the architect should interpret his specifications. He alone knew what they meant.

Reverting to stone discussion, Mr. Kimball said the 45 cent stone was as good in quality as the 75 cent stone, altho the 45 cent stone is cheaper material—in price only.

"Then a man would be a fool to buy 75 cent stone?" said Mr. Sandall.

"Either a fool or an artist," said Mr. Kimball.

"Can you distinguish between them?"

"Some times very difficult," said Mr. Kimball. He said the four red Verona columns could be taken down and sent to New York and sold for \$50,000.

It was brought out that the four Verde Antique columns had been selected by Mr. Goodhue in Italy and had been secured for \$25,000.

"There is no structural menace in this building," said Mr. Kimball. "There is hardly a critic in this country who has not extolled it. This building now has sixty copies in this country. If it were not a brilliant thing it would not be copied. Some of the imitations are stupid and Mr. Goodhue may suffer from the vulgar copies. They may discredit the original finally."

He extolled the getting away from the dome and substituting a utilitarian tower.

The plan in itself is an original thing. The building is a brilliant performance in interior architect-

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Mr. Temple had not regarded the flaws in the marble as serious. He thought the pillars in the building were unusually fine. He saw nothing in his inspection that would cause him to suggest removal of any of the pillars.

The marble in the library showed

seams, and whether such marble was not specified by the commission for the pillars and panels. Mr. Head said that had not been his experience, and that the marble was absolutely satisfactory from an artistic standpoint, having no structural function.

It was brought out by Mr. Mayers and Architect Kimball that the foreign varieties used in the capitol are not available in grade A marble, which represents only a structural qualification. The finest and most expensive marble, they said is the poorest structurally. The material was bought for its fitness in the color scheme.

The Night Session.

Architect Thomas R. Kimball of Omaha took the witness stand at the evening session. He said he had been active in the profession for forty years. He had built the Fontanelle hotel, the Omaha library and the Omaha Burlington station. He qualified as to knowledge of Bedford stone. He had been president for two terms of the American Institute of Architects. He had inspected the capitol building many times. He had inspected the marble and had seen where "some vandalism had dug into it." He had been mad as a citizen of the state over this act of vandalism. He described the marble in the pillars. He said it was seamed in its natural state. Asked as to what purpose these seams and streaks served he said it afforded a reason or excuse for calling it beautiful.

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Mr. Kimball had been appointed as architect advisor by the American Institute and the commission. He told of the competition for the selection of an architect. There were ten competitors in the final and Mr. Goodhue was selected.

Mr. Kimball said he had not regarded one fortieth of one percent of broken stone in the building as

Mr. Kimball.

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He extolled the getting away from the dome and substituting a utilitarian tower.

The plan in itself is an original thing. The building is a brilliant performance in interior architecture, cathedral in its type.

"Today it is the best known and best appreciated by European critics of American buildings," said Mr. Kimball.

Alan McDonald, Omaha architect, qualified by telling of buildings he has constructed in Omaha, and of the \$2,500,000 Joselyn Memorial now underway, for which he is the architect.

He told of buying Guastavino tile. There could be no competition where this is used. It is patented.

Mr. McDonald said the capitol is one of the masterpieces of all architectural history. He had been a competitor in the preliminary and final competitions. He had been beaten by Mr. Goodhue. He had learned much from the Goodhue plans. He praised the provision for the great amount of utility room, the outside appearance and the artistic effects. He had noted a few broken stones. He would not replace them because of damage that would result to other stones.

He said most acoustic materials were patented. There were many of them. He referred to marble classifications and discussed prices for the grades.

He had seen no marble columns in the capitol which he would want to replace. He had never seen marble of that kind without seams. Mr. McDonald said decorative marble is never free from fault. He had been in a mill recently where the owner was particularly proud of his "hospital" where marble defects were cured. Columns were being finished in that hospital then for a Chicago bank.

Mr. McDonald said he would not remove cracked stones he had seen in the walls as they caused no structural menace. He thought the architects are getting better work on the capitol than builders in Omaha are able to get.

Building prices had decreased somewhat since 1920 but the price of labor remains high.

Cross examined by Mr. Sandall Mr. McDonald said seams in marble give it pattern. Breaks are not desirable. One could not specify a marble not broken when ordering a kind of marble that one knew would contain breaks.

Mr. Kimball had testified that a marble seam is an unparted break and a break is a parted seam.

Mr. McDonald said if a break fol-

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MORE OR LESS PERSONAL.

Looking at the figures from the city primaries and dissecting them, former Mayor Bryan is convinced that the people are more interested in issues than in men. In the late conflict for nominations there were no issues, merely contests between men, and the people showed a lack of interest in selecting candidates that is regrettable. Mr. Bryan is certain that with a live issue placed before the voters the vote total would have been much larger.

Mr. Bryan is attending the sessions of the capitol probe committee. He promises to have something to say about a former investigation, how it was brought about and who started it, if ever the time is ripe. From some hints given out it is surmised that what Mr. Bryan will say will hit the critics harder than anyone else. Who started the defective stone inquiry may or may not be settled but there is some evidence that Mr. Younkin, superintendent of construction, first reported defective stone.

This much may be said for George Johnson, ex-member of the capitol commission, ex-state engineer, and now chief critic of capitol construction. When he is in deadly earnest he shows it and everybody observes as much. He may lack the judicial poise of capitol commissioners, the committee members and the lawyers present, but his earnestness is there. A show of belligerency at times diminishes the effectiveness of his efforts.

Little journeys about the capitol, personally conducted by Mr. Johnson, are one of the features of the building investigation. Mr. Johnson tells about defects to get the evidence in the record and then takes the committee and the lawyers out to see them. One blade of his penknife is kept bright by sticking it into the mortar joints and cracks found in the new building. The question is constantly recurring to those present as to whether a perfect building was ever built. People with construction experience usually are more skeptical than others.

NEBRASKA LEGISLATIVE REFERENCE BUREAU.

It will not escape the attention of newspaper readers that much of the testimony being introduced before the legislative committee is evidence introduced at a former legislative hearing and which was passed on at that time. The evidence then showed that a change in stone texture and color had been made and that an adjustment of price was agreed upon. In the former investigation only the architects were under fire. Now the entire commission has been charged by the complaining witness. It will not escape attention either that there are personal grievances and some politics mixed up with evidence and statements of fact, conclusions and opinions. The committee hearing the evidence is noting these things and will weigh what is offered judicially and carefully.

County assessors have fixed 90 cents as a proper value to place on a bushel of wheat. Such a valuation is surely out of line when compared to valuations upon other property. The cash price of wheat ranges from 90 to 95 cents on the local markets.

The Associated Press on Thursday morning carried a story from Naco, Ariz., saying that Adjutant General Pomeroy of that state had arrived there to take charge of the military situation should the Mexican rebels again menace people on this side of the border. Lincoln friends of Brig. Gen. Leonard M. Cowley, appointed adjutant general of that state by the new governor in January, think an error in name or title was made. Mr. Cowley, who comes from Bladen, Neb., and is a graduate of the University of Nebraska, was in Lincoln in January for a day and met many of his old friends.

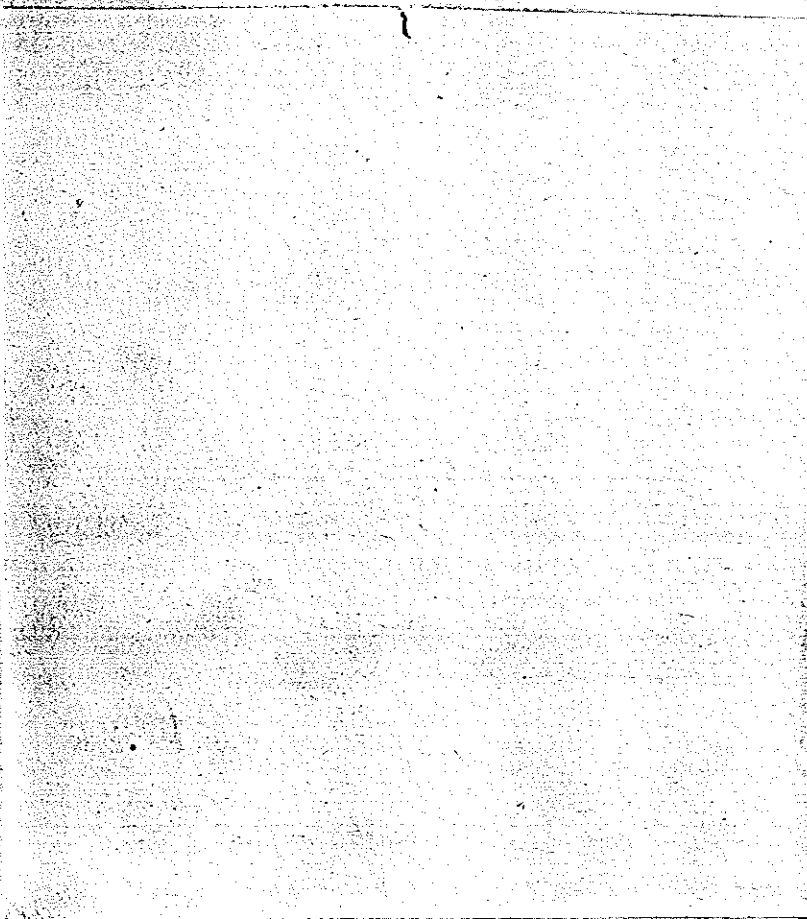
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Walter Head on
Capitol Probe

NEBRASKA LEGISLATIVE
REFERENCE BUREAU.



HEAD DECLARES CAPITOL WORTH ALL IT WILL COST

Answers Johnson's Charges
of Poor Material, "Conspiracy"
and "Squandering."

EX-ENGINEER'S RECORD IS TRACED AT INQUIRY

(By a Staff Correspondent.)

Lincoln, Neb., April 11.—What of meat and what of something else there is in the charges of George Johnson regarding the construction of the new Nebraska capitol was told, from the capitol commission's standpoint, in a long session of the legislative investigating committee this afternoon by Walter Head, former president of the Omaha National bank, now of Chicago, and a member of the commission since it was created 10 years ago.

Head took up Johnson's charges one by one, covering the marble which was said to be faulty, the stone which were said to be cracking, and the contracts which were said to include "conspiracy" and "squandering" and told the story of the commission's experiences in building a 10 million dollar building, explaining the regularity of all contracts and the good condition in which the building is today.

"Why this capitol will cost 10 million dollars, under present prospects, when the original appropriation called for an expenditure of only five millions. The answer is simple. When the intention was to spend five million dollars, the plan was for a five million dollar building. As the matter progressed the people of Nebraska saw the possibilities of an expenditure of 10 millions and the apparently thought spending 10 millions was the better thing. We now have, or will have when we are through, a 10 million dollar building."

"A Monumental Building."
"It was a question of building a plain house for the state or a monumental building which would attract attention all over the world. The choice was the latter. The paintings in this (the governor's) suite, and none of the decorative effects were thought of when we planned a five million dollar building."

Just before Mr. Head was called to the stand, Fred Carey, reporter of the Omaha Bee-News, who also filed a sworn statement of charges against the commission, was called to the stand.
"When I was assigned to the job coming down here," Carey said, "and finding out what, if anything, was wrong with the construction of the state capitol, one of the first things I inspected was the parapet and the terrace floor. I found, as you have said, the stones breaking apart in a great many places, wood-wedges supporting some of them

HEAD DECLARES CAPITOL WORTH ALL IT WILL COST

(Continued from Page 1.)

that the grounds are not planted with grass, and that a heating plant belches coal smoke over the building from a distance of a few feet all winter long. All of these will be removed when the building is completed.

Regarding Carey's charges that, in spite of the use of acoustic tile in the chamber of the house of representatives, the acoustics have been so bad this winter that additional cornstalk bricks had to be used, Mayer read a letter from Crawford M. Swan to Architect Goodhue, written in 1923, a year before Goodhue died, in which Swan pointed out that only about half enough acoustic tile had been used in the house chamber to make the acoustics proper. Swan pointed out that the additional sound absorption would have to be accomplished in the furnishings, and this, Mayer said, was the plan. These furnishings of the house chamber have not yet been installed.

"The temporary floor in the house chamber now being used, and the temporary furnishings are to blame for the necessity of providing additional acoustic blocks this winter," Mr. Head said. "That will be eliminated when the furnishings are put in."

"A Blow at Nebraska."
"As far as the members of the capitol commission are concerned," declared Mr. Head, taking the stand himself, "they are used to criticism. We do not feel sorry for ourselves. But I have been sorry that accounts of this kind should have gone out over the Associated Press and the International News service to all parts of the country, damaging the reputation of the monument that Nebraska has been spending so much money to build."

"For myself, I don't mean to say that the investigation is not a good thing. In my own life I have found that it has been the criticisms that have helped. This investigation, when it is through, will show what a fine building we have here."

"We have been faced with constantly increasing costs. These have been conditions over which we have had no control. I hope that this investigation will be thorough enough to remove all of the clouds, forever, from the Nebraska capitol, which is unquestionably one of the most beautiful buildings in the world."

To "Head Off" Bryan.
In 1923, Head said, it was Governor Bryan who first asked for an investigation of the stone being used in the building. "Governor Bryan asked Johnson for a report," Head said. "Johnson some time later came to a meeting of the capitol commission and presented a report, asking me to read it. I had not heard of it before. I suggested that he read it himself. I did read, on his insistence, and I was dumfounded to discover that, after four years of association with him on the commission, he should have produced a document, without consulting anybody, or advising with anybody, containing not only charges against the architect, but an indictment against the members of the commission also

that it was necessary to 'head off' Bryan. I found that copies had already been given to the press and, before our meeting adjourned that afternoon, we procured evening papers with this report in them.

"Mr. Hardy, Judge Thompson and myself felt that we were on trial. Although Johnson wrote a letter exonerating us, we felt that we had hired the architect and that there was no charge in the report but which must fasten on us, too."

Asked Through Hearing.
"I immediately arranged for a thorough hearing on the charges, and out of that hearing came the finding which has been read here in evidence by Johnson, and which was signed by Johnson himself. It was also approved by Prof. Mickey."

If Prof. Mickey went to Bedford on an "investigation" in 1922, as he said yesterday he did, Head indicated, Mickey did it at the request of Johnson, and not of the commission. "As a member of the commission, I remember no investigation upon which Prof. Mickey was assigned," Head said.

The fact that, although a final settlement with the contractor has been made, he is still held responsible for defects, was brought out by Head and Judge Thompson.

There is a clause in the contract they said, which provides that a final settlement shall not be a waiver of claims by the commission for subsequently discovered faults in the building. The committee adjourned at 5:30 until 7:30 this evening.

Johnson's charge that the capitol commission has "squandered more than a million dollars," on a special interior tile was met at the investigation today by Earl Cline, attorney for the architects, who said that only 387 thousand dollars has been paid in all, for such tile.

Johnson was on the stand most of the morning for cross-examination by Cline and McNeny. They went into the details of Johnson's resignation of state engineer and of a subsequent investigation of his handling of highway contracts.

Questioned by Cline, Johnson said he was state engineer from 1915 to 1923, when he resigned.

Tells of Resignation.
"At Governor Bryan's request?" asked Cline.

"No!" Johnson replied heatedly. Cline went on, "As a matter of fact, didn't you write out three resignations, all requested, because the governor demanded one in proper form?"

Johnson answered that the governor had asked some changes in the resignations, but that he had decided to resign before Bryan took office.

The attorney then went into Johnson's qualifications, and elicited the information that Johnson has served as engineer in several towns in Nebraska and Kansas and had directed construction of several municipal buildings.

Signed Report on Stone.
"Are you an architect?" Cline asked.

"I've had some draughtsmanship

but I'm no artist," Johnson replied.

Cline asked, "In 1923, after the capitol commission decided to use three kinds of stone, did you not sign the report?"

Johnson said yes. Johnson's relations with Mr. Head, Judge Thompson and W. E. Hardy, present members of the capitol commission who were also members in 1923, was then gone into.

Cline pointed out that in his letter to the commission, discussing alleged defects in stonework they, Johnson had stressed his belief that no member of the capitol commission was at all to blame. "I do not know of any single instance in which the members of the capitol commission could have acted more wisely than they did," Cline read from the letter.

Ask Reason for Change.
"But your charges then were much the same as those now, were they not?" Cline asked.

He then inquired what had changed Johnson's attitude, but got no reply.

Cline also asked why, on the basis of the report on the stone, Johnson should say that Mayer, the architects' representative; Younklin, the clerk at the capitol, and the stone and quarry companies should be charged with conspiracy.

"Didn't the report of the capitol commission in 1923 say the stone was satisfactory and good material, or proper strength?" Cline asked. Johnson admitted that the only difference in the stone from the No. 1 grade, originally specified, was in color and texture.

"Didn't the commission decide to continue using the same kind of stone?" asked Cline. Johnson said yes, but went on to say that he was not to be considered technical adviser.

Says Obtained Refund.
Then Johnson declared he had obtained a 14 thousand dollar refund on the stone when it was decided not to use all No. 1 stone, but to vary the color as the architect asked.

"If I hadn't kicked the people

simple. When the intention was to spend five million dollars, the plan was for a five million dollar building. As the matter progressed the people of Nebraska saw the possibilities of an expenditure of millions and the apparently thought spending 10 millions was the better thing. We now have, or will have when we are through, a 10 million dollar building.

"A Monumental Building."

"It was a question of building a plain house for the state of a monumental building which would attract attention all over the world. The choice was the latter. The paintings in this (the governor's) suite, and none of the decorative effects were thought of when we planned a five million dollar building."

Just before Mr. Head was called to the stand, Fred Carey, reporter for the Omaha Bee News, who also filed a sworn statement of charges against the commission, was called to the stand.

"When I was assigned to the job of coming down here," Carey said, "and finding out what, if anything, was wrong with the construction of the state capitol, one of the first things I inspected was the parapet and the terrace floor. I found, as I have said, the stones breaking apart in a great many places, wooden wedges supporting some of them on the southwest corner. And when I went around with the committee yesterday, the wall and stones were in much worse condition than when I first inspected them a month or six weeks ago."

Carey was then called upon to explain numerous other charges preferred by him, all of them referring to what he claimed to be inferior materials or methods of construction used in the building.

Keeps Source Secret.

Finally he charged that a contract for electrical work had been withheld by the commission when it rejected a bid for 28 thousand dollars and later let the contract for \$46,990. The Schricker Electrical company had bid 28 thousand dollars. The bid was rejected, and later the Schricker company got the contract for \$46,990. Carey said that he had "received the information" that the first contract was refused because the commission did not think the bidder was capable of doing the work.

"From what source," asked Mr. Head, "did you receive the information that he was not capable of doing the work?"

"I got the information in confidence," Carey said.

"Can you say whether it was from the architect or the commission that you got the information?" asked Mr. Mayer, the architect.

"It was not," said Carey.

"Mr. chairman," said Mr. Head, "I would like to have the witness say from what source he received the information."

Carey continued to refuse, and Chairman Kryger ruled that the committee could not force Carey to divulge the source of his information, although "the committee would like to have all the facts it can get."

Admits Grime Temporary.

Regarding discoloration of the stone as charged by Carey, on questions by Attorney McNeny and Architect Mayer, Carey admitted that a great deal of the exterior discoloration might be due to the fact that there is now a railroad

that it has been the criticisms that have helped. This investigation, when it is through, will show what a fine building we have here.

"We have been faced with constantly increasing costs. These have been conditions over which we have had no control. I hope that this investigation will be thorough enough to remove all of the clouds, forever, from the Nebraska capitol, which is unquestionably one of the most beautiful buildings in the world."

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"I read it without comment. I then asked Johnson, faking him aside, why this sort of thing should be brought up without previous discussion. His only reason for doing it was that Governor Bryan was making a similar investigation and

Questioned by Cline, Johnson said he was state engineer from 1915 to 1923, when he resigned.

Tells of Resignation.

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"No!" Johnson replied heatedly. Cline went on, "As a matter of fact, didn't you write out three resignations, all requested, because the governor demanded one in proper form?"

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Signed Report on Stone.

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"I've had some draughtsmanship

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but to vary the
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"If I hadn't

said he had examined the auditor's books. Cline said only 387 thousand was spent in all.

"Well," said Johnson at last, "if it cost 387 thousand dollars, 387 thousand dollars was squandered."

Attorney McNeny then took over the witness. He asked Johnson if the late Architect Goodhue had not wanted three colors of stone, instead of all No. 1, and if Goodhue has not sent Mayer to Bedford to pick out the colors.

McNeny said, "Goodhue, an architect and artist you had hired to tell you what to do, sent Mayer to Bedford to pick out the stone colors. When the specifications for stone colors were changed, to use some cheaper stone, there was an adjustment on the price to conform with this change—and that's a conspiracy!"

Then again, "If Mayer was sent to Bedford to change the color of the stone at the order of Goodhue, is Mayer guilty of conspiracy?"

Johnson Talks of Bryan.

Johnson: "Under the circumstances I think he was."

McNeny: "I'd hate to work for Goodhue." Laughter.

Then, while Governor Bryan sat in the room smiling broadly, Mc-

Neny went into Johnson's relations with the former governor.

"Didn't Bryan start the stone investigation in 1923?" asked McNeny.

Johnson rose impressively and walked over in front of the committee, delivering a 5-minute speech.

It began: "Gentlemen of the commission, all of you know Charlie Bryan and you know that if he had saved the state 14 thousand dollars the people of the state would know about it."

When he concluded McNeny said, "That's a nice stump speech but you haven't answered my question. You've told us what you think of Bryan, but you haven't said who started the investigation."

No reply.

Then McNeny said, "Did Governor Bryan start an investigation of your work as head of the highway department as to handling of road

contracts?"

Johnson stood again.

Seth Temple to Testify.

"They started to, but nothing came of it. They charged irregularities and filed suit against me for 81 thousand dollars for alleged overpayments, but I was acquitted."

McNeny: "Didn't the government send federal aid investigators to investigate your contracts?"

Johnson, impressively: "Bryan asked the government to investigate me. The investigators were instructed to get something on me."

This ended the morning session.

Between the end of 1921 and the spring of 1927 about 1,500,000 foreign workers had to be imported into France to supply urgent industrial needs.

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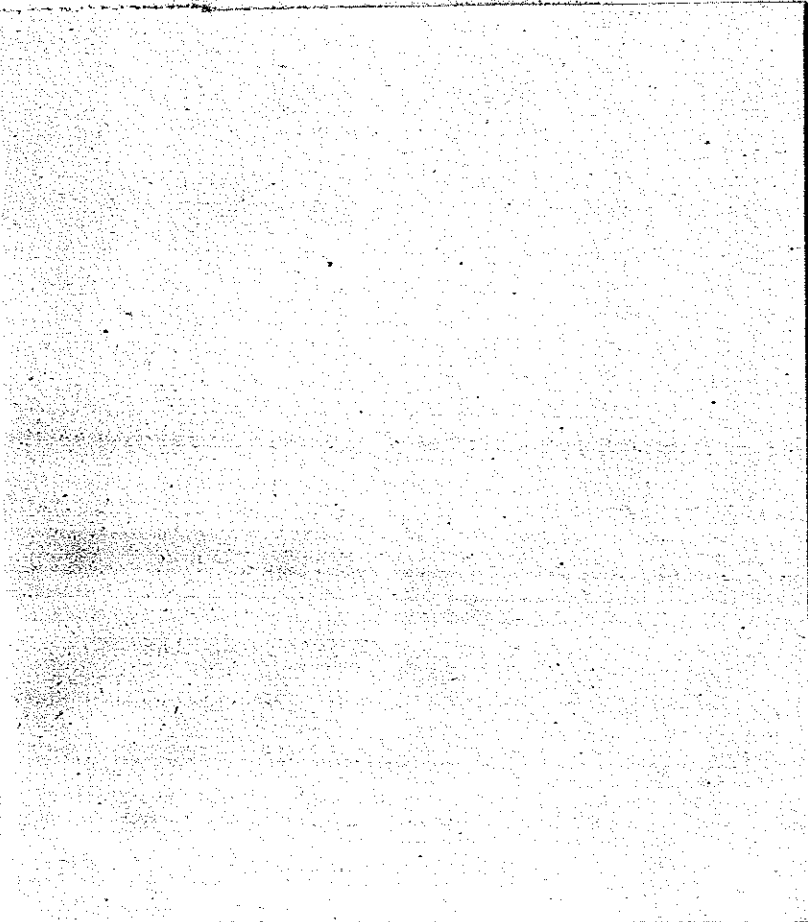
World-Herald, April 13, 1929

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Capitol records
1929

NEBRASKA LEGISLATIVE
REFERENCE BUREAU



INVESTIGATION CAL

BELIEVE NE- BRASKANS KILL- ED DESIGNER

DEAD DESIGNER NEVER FOR- GAVE STATE FOR STAIN ON HIS NAME.

Lincoln, Neb., April 13. (AP) —Testifying today before the Nebraska legislative capital investigation body, F. S. L. Mayers, now head of the directing firm of architects completing the structure, declared that the death of Bertram Goodhue, of New York, original designer of the novel state house, was directly attributed to the smirch attached to an attack upon him in an investigation launched in 1925.

"Did the charges preferred against him by Mr. Johnson and his friends have any ill-effect", Mr. Mayers had been asked.

"Mr. Goodhue's friends and associates always will believe that the people of the state of Nebraska killed him. Not the great mass of your people, but his accusers", Mr. Mayers replied.

Asked to amplify his statement, Mr. Mayers declared that because of his artistic temperament, the criticism and attack levelled at him had undermined his health. "He died suddenly when only 54 years of age, he suffered an acute heart attack never knowing himself that he was threatened", the witness added.

Describing the architect's frame of mind following the investigation, Mr. Mayers further added that the dead designer had never forgiven the state of Nebraska for the stain on his name.

"He felt that all relations of confidence and love had been destroyed. Mr. Goodhue never made an error with the intention of hurting anyone or doing any harm. It broke his heart that this state of real men, where tricky hearts are not in evidence as elsewhere, had taken him to task as they did without an explanation", Mr. Mayers declared.

this work to Goodhue's death, the commission was having difficulty because he was arbitrary on materials and plans?" he asked.

"That might have been true in certain instances", Mayers answered.

"Well, wasn't this true in the general letting of contracts?" the attorney questioned.

"No, I don't think so", the witness declared.

INVESTIGATING DEATH OF CHICAGO SCHOOL BOY

Chicago, April 13. (AP) — Each of the 4,000 students of the John Marshall grammar and high schools is to be questioned under the police plan for finding out who was responsible for the death yesterday of nine-year-old Joseph Stein.

The boy returned from school complaining of having been beaten by older boys. Half an hour later he died. A post mortem examination failed to show signs of violence, but when a second examination was made, in view of stories of being beaten, an injury to the temple was found. It was this blow, Dr. J. Kearns of the coroner's staff said, that caused death.

C. A. Beers, principal of the combined school, said all students would be called in, one by one, placed on their honor, and asked to tell what they might know of the fight that ended fatally.

TOP MOUNTAIN CRUMBLES AND A BOY MEETS DEATH

BOY SCOUTS PRECIPITATED TO LEDGE AND SAVED FROM DEATH.

Chewelah, Wash., April 13. (AP)—Five boy scouts and two men who had clung to a precipice near the top of Quartzite mountain for almost eight hours were saved from a death plunge after one scout had been killed in a fall of several hundred feet. The group of eight had climbed

HERRICK'S BODY ARRIVES TODAY ON FRENCH LINER

BODY WILL BE TAKEN TO CLEVELAND, DIPLOMAT'S FORMER HOME.

New York, April 13. (AP)— The body of Myron T. Herrick, late United States ambassador to France, was brought to his homeland today aboard the French cruiser Tourville.

An impressive tribute to the memory of Mr. Herrick was arranged to mark the transfer of the body from the cruiser to the train on which it will be taken late today to Cleveland, the diplomat's former home.

The French warship was escorted by the United States cruisers Marblehead and Cincinnati. They met the Tourville off Nantucket lightship.

City and state officials joined with representatives of the American and French governments to make up the party to meet the funeral ship and escort the body from the pier to the Grand Central terminal.

Arrangements provided that the coffin be borne ashore by eight petty officers of the Tourville and placed on a gun carriage while American and French military bands played the Star Spangled Banner and the Marseillaise.

Mounted police and military and naval detachments were ordered out for an escort to lead the cortege.

Colonel Charles A. Lindbergh, who was the guest of the late ambassador after he landed in Paris on his flight from New York, was among those for whom automobiles were provided in the funeral procession. Colonel Lindbergh flew from Mexico City to pay tribute to the memory of his friend, arriving yesterday. There was speculation as to whether he would fly over the Tourville, but no definite plans in that connections were apparent.

Governor Franklin D. Roosevelt issued a proclamation order-

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Electric washing jars, desk, solid dresser, porch table, sewing springs, rugs.

Forget Troubles

DO MUCH BAD? Too rich food is use. Gas, sour burn, indigestion, other ailments attack your stomach.

DO NOT SUBSTITUTE Pills by **HARMACY**

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confidence and love had been destroyed. Mr. Goodhue never made an error with the intention of hurting anyone or doing any harm. It broke his heart that this state of real men, where tricky hearts are not in evidence as elsewhere, had taken him to task as they did without an explanation", Mr. Mayers declared.

"Did Mr. Head, by his actions, and the commission who quarreled with him, erect him that way also?" Mr. Sandall interposed.

"No, they did not", the witness shot back.

"I assume I may question you then without endangering your health?" the state's counsel added, and was assured by Mr. Mayers he might.

"I might explain", the witness asserted, "that I tried to curb Mr. Goodhue's temperament, that I tried to quiet him by assuring him that he should not take these charges to heart. We've done nothing wrong, I told him".

Detailing their experiences, in assuming the Goodhue contract at the architect's death, Mr. Mayers said he and his present associates, had often trembled at the thought of their audacity to continue upon the gigantic structure designed by the former.

"I might say in connection with that, that the words of praise of these architects who have appeared before this committee, will always be carried as a bright memory", Mr. Mayers commented.

Questioned further, he inferred that after Mr. Goodhue's death, the associated firm would have suffered direly in a financial way had they not acquired numerous other designing projects of magnitude. Included with these projects was the \$1,750,000 University of Chicago chapel.

Again questioned by Mr. Sandall, Mr. Mayers was asked if it was not true that the late architect was more of an artist than a practical business man.

"Yes, I believe he was", he answered.

"Then he should have realized a building as daring as this would have subjected him to questioning and even criticism, am I not right?" the attorney asked.

"Yes, I think so", Mr. Mayers replied.

"Is it not true, Mr. Mayers, that the capital commission backed Mr. Johnson as against Mr. Goodhue?" Mr. Sandall then queried.

"Yes, I think it is and I admire them for it, he was their engineer", he answered.

"Well then, is it not true that from the time of the start of

FROM DEATH.

Chewelah, Wash., April 13. (AP)—Five boy scouts and two men who had clung to a precipice near the top of Quartzite mountain for almost eight hours were saved from a death plunge after one scout had been killed in a fall of several hundred feet.

The group of eight had climbed to the mountain just outside of town yesterday afternoon and were perched on the summit when the edge of the peak crumbled from under them. The eight boys and men were precipitated to a ledge where they all but one of them caught hold of jutting rocks and saved themselves from a sheer drop of several hundred feet and certain death.

Harold Steffenson, one of the scouts, lost his grip on a rock and went over the ledge. The others, Paul Hutchinson, former Idaho football star, and his brother, Don Hutchinson, scoutmaster, were left in perilous positions on the ledge. The scoutmaster had made an attempt to save Steffenson and had slipped over the edge of the precipice but managed to hang by his hands.

News of the group's plight was spread after Steffenson had been found at the bottom of the precipice. He died a few minutes after being found.

Two hundred residents rushed to the base of the precipice which rises at the end of the town's main street.

A group of rescuers climbed the mountain and drew Paul Hutchinson and the five scouts to safety with ropes. But they were unable to reach Don Hutchinson. The weather was below freezing and he was maintaining himself only by clutching the rocks with his hands. He managed to shout that he could not hold on much longer.

Finally Willis Earl dropped a rope over the cliff and was lowered 200 feet to the ledge on which Hutchinson was clinging. He was followed by "Shorty" Kueherh. The two men tied a rope around the scoutmaster and he was hauled to safety. His condition was described as serious.

He told his rescuers that his arms were "paralyzed" and that he didn't know how he "had managed to hang on as long as he did."

Mrs. Robert McSpadden and daughter returned to their home in Gering this morning after spending the past several days in this city visiting friends and relatives. Mrs. McSpadden is a former North Platte resident.

York, was among those for whom automobiles were provided in the funeral procession. Colonel Landbergh flew from Mexico City to pay tribute to the memory of his friend, arriving yesterday. There was speculation as to whether he would fly over the Tourville, but no definite plans in that connections were apparent.

Governor Franklin D. Roosevelt issued a proclamation ordering flags on all state buildings at half staff and directing commanding officers of the national guard and naval militia to be present at the pier.

RUNAWAY TEAM CAUSES YOUNG FARMER'S DEATH

Norfolk, Neb., April 13. (AP)—Rudolph Ernsdt, 30, who came here from Germany only a year ago, was fatally injured late yesterday in a runaway of his four horse team.

Ernsdt was driving the team to a manure spreader. The horses became frightened while passing through a gate and dashed into a grove of trees. Ernsdt was crushed between the machine and a tree. He died enroute to a local hospital. The accident occurred on the George Volk farm southwest of here.

THREE CHILDREN AND MAN BURNED TO DEATH

Kalamazoo, Mich., April 13. (AP)—Three small children of Mr. and Mrs. LeRoy M. Curran and a maid were burned to death early today in a fire which gutted the Curran residence. Curran barely escaped the flames as he rushed from the house for help. Mrs. Curran is in a hospital here and was not told of the tragedy.

FIND TWO MEN DEAD IN SEDAN—CHICAGO

Chicago, April 13. (AP)—Two men were found shot to death, slumped face downward in the rear seat of a large sedan early today near the alley entrance of the Western hotel, Cicero.

Officer George Price of the Cicero department saw the automobile parked at the rear entrance of the hotel. Two men stepped out. Upon perceiving him, the officer said, one cried "Look out for the cop." Both fled through a vacant lot, followed by Price, who fired two shots at them.

Miss Dorothy Schafer will leave this evening for Ogallala where she will spend the week end visiting at the home of her parents.

ARCHITECT SAYS CAPITOL DEFECTS ARE NOT UNUSUAL

W. H. April 13 '29
"One of Greatest Buildings
of All Times," Asserts
Lincoln Man.

STRUCTURALLY PERFECT INVESTIGATORS TOLD

Lincoln, Neb., April 12 (AP).—Re-summing their inquiry today into conditions surrounding construction of Nebraska's state capitol, members of a legislative investigating committee were told that the structure stood out as a monument to American architecture.

Summoned in behalf of the accused designer and supervising constructors, Ellery Davis, Lincoln architect, who drafted plans for the University of Nebraska station and coliseum, Morrill and Andrews halls, said the building was comparable to famous structures of Europe.

"Artistically it is one of the greatest buildings of all times, structurally, it is perfect, equal in fame to the Parthenon, the Pantheon, St. Peter's of Rome and St. Paul's of London," the witness asserted.

"It combines rare beauty with solidity. It is a symbol of government, impressive by its grandeur and massiveness," he added.

Defects called to the attention of the committee, Mr. Davis characterized as not unusual, asserting he believed the terrace walls and floor could be remedied without difficulty.

"Do you think it would require the expenditure of as much as 50 thousand dollars to do this?" he was asked by Special Counsel Sandall.

"No, I don't believe it would cost that much," he answered.

"Marble Not Defective."
He reiterated the testimony of other previous architects, summoned as experts, that the questioned marble pilasters and slabs in the state library were not necessarily defective or of poor material.

"Cracked stones, he said, could be found in any structure of similar character, built entirely of stone such as the capitol building. An amount of rejected stone, reused by the capitol commission, Mr. Davis informed the committee, had purchased for use in a porch. "It was extremely desirable because of its texture," he stated.

Questions shot at the witness by Mr. Sandall, after Mr. Davis added his opinion that no state capitol in the United States compared with the building under investigation, brought Judge Thompson into the foreground.

"It may not be right," he asserted, "but it seems to me Mr. Sandall, that you don't like this building."

"Sandall Not Impressed."

ARCHITECT SAYS CAPITOL DEFECTS ARE NOT UNUSUAL

(Continued from Page 1.)
lion dollars for the architect alone, he should have given us a building that didn't disintegrate before it was completed?" the attorney then asked.

Calls It Priceless.
"The state got from Mr. Goodhue something that is priceless, the work of a genius, and if it paid 50 million dollars for it, it would have been cheap," Mr. Davis replied.

The manner in which the capitol commission conducted its affairs incident to the building during the past four years was related to the investigators late this afternoon by former Governor Adam McMullen, ex-officio chairman during his tenure of office.

In the matter of awarding contracts, Mr. McMullen declared, the commission always adhered to the policy of recognizing the lowest bids, though at times he felt that they should have done otherwise.

"I was particularly struck by the devotion of the commission members to their work, the time and interest they displayed, and at all times looking out for the best interests of their state and the building," he added.

Had Known of Parapet.
Referring to the condition of the parapet walls, the former governor declared that they had directed their attention to the walls some years ago.

"We agreed that it was largely an item of maintenance. That the coping on the walls would always be subjected to changing temperatures and subsequent disintegration," he testified.

"This building," he continued, "has been erected, in my opinion, more for the future than the present and I think it is remarkable that there is less than 10 per cent waste space," he added.

"What do you say as to the qualifications of the present architects?" he was asked.

"I think they are good," came the answer.

On cross examination Mr. McMullen was quizzed strenuously by Attorney Sandall relative to mounting building costs over original estimates.

"What is your explanation?" he was asked.

"The commission had discovered before I assumed office, that the building plans needed enlargement and that some items had not been considered at all, such as decorations, landscaping and finishing of the governor's suite," the witness testified.

Explains Why Expanded.
"The reasons for expansion of the financial program were explained to the legislature and evidently were satisfactory to them," the former governor added.

"Then it was for additions and embellishments," Mr. Sandall queried.

"I don't believe I would use that word. It was largely to meet with future demands and at the rate requests are now being made for bureau rooms and offices, all the rest of the remaining empty space will soon be taken," he answered.

Referring to a December report from which he cited expenditures

shading at the top into a hard, fine texture. This idea he finally had to give up on account of the fight against the stone made in 1923."
Calls Charge Untruth.

Johnson's story of the conspiracy over the stone, Mayers said, was "an untruth, from end to end."

The stone, he said, was not a material factor in the structural strength of the building at all. "You could strip this building of all its limestone," he said, "and it would still stand perfectly. The few cracks, therefore, mean nothing from the structural standpoint."

The marble columns in the front foyer, Mayers said, were bought by Mr. Goodhue in Italy for 25 thousand dollars. "You have been offered 46 thousand dollars for them," he said. "Mr. Goodhue thought that he was driving a bargain for the state, and I think he certainly did."

Mayers pointed out that several architects, since this hearing began, including Alan McDonald of Omaha, had offered to take these columns off the state's hands at more than the price paid for them.

"You couldn't buy a tapestry worth 50 thousand dollars from pure specifications," he said, answering Johnson's complaint that this marble had been bought without competition and apart from the specifications in the contract.

"You would get somebody who knew something about tapestries and you would commission him to buy it for you. That is what Mr. Goodhue did in buying these columns in Italy. They are among the very finest columns in this country."

Testify Capitol Is World Famed.

Lincoln, Neb., April 11 (AP).—Nebraska's state capitol building, now under the fire of George Johnson, former state engineer, was characterized at a hearing of the legislative inquiry tonight as one of the foremost examples of American architecture of the generation by Seth J. Temple, Davenport, Ia., T. R. Kimball and Alan McDonald, the latter Omaha architects.

Each of them had been called to the witness stand in defense of the accused directing architects, who developed plans and supervised construction of the structure.

Called to Lincoln from Davenport, his home, Mr. Temple told of his investigation of the building two weeks ago with W. E. Fisher, Denver, at the invitation of The Omaha World-Herald.

"We were told that they wanted an unbiased report, based upon criticism of another Omaha paper," he explained.

Relating what they found, Mr. Temple said they were struck with the condition of the terrace wall, both inside and out, and came to the conclusion that the terrace could be fixed without great difficulty.

Advises Against Replacement.
Cracks in the outer walls, he said, had apparently resulted from a slight movement of the building, or possibly were due to improper bedding in mortar.

Questioned by Attorney McNeny for the architects, he advised against removal or replacement of the stones. Some of the breaks, he stated, might be due to improper or careless handling.

this material. "We passed this up because we considered it inconsequential," he testified.

The marble pilasters, he believed, were fine examples of imported material, declaring he viewed none that he would consider removing. The library marble, he said, was of a type that often came from the quarries in pieces and was later cemented together.

Discussing the general type of architecture and the utility of the building, Mr. Temple added praise to the architect.

"From a utilitarian plan as well as an artistic viewpoint, it is remarkable. There is no waste space even in the tower. It is magnificent without being extravagant, not a palace of marble, with no attempt to make an extravagant display of rarity," he declared.

"It is the first building I know of where the architect has gotten away from conventional lines in an

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unrlid field with great success. Goodhue was one of the leading designers of the country," he concluded.

"Cited All Over World."
"Some of the world's most bril- liant critics have given the build- ing favorable criticism. It has been cited all over the world, extolled at home and abroad and today stands as America's best known building in Europe," Mr. Kimball said.

Concerning so-called defects in masonry, Mr. Kimball declared there was nothing to become alarmed about. "You are not con- fronted with a structural menace, there is nothing to feel bad about," he said.

In so far as the marble columns are concerned, Mr. Kimball related, the type used was identified as rare and beautiful through its cracks and seams.

"Should Jail Gouger."
"What would you say about the-

columns that were gouged with a pen knife?" Attorney McNaney for the architects, asked.

"I would say that the person who did it should be jailed," Mr. Kimball shot back.

Suggested removal of cracked stone in the outer structure was scouted by the architect. "I wouldn't think of it. These stones have in no way weakened the struc- tural strength and to remove them might cause much additional dam- age," he added.

"There was nothing but good sound Bedford stone used in that building regardless of the class it was placed in. I examined all of the stones that were marked for condemnation and did not find one that wasn't strong enough to do the work intended for it," Mr. Kimball asserted.

Explains "Seams."
Quizzed relative to the cracks and seams in the marble columns, Mr. Kimball amused the invest-

gators with his reply. "A seam is an unparted break, and a break is a parted seam." A crack apparent around the circumference of a col- umn as indicated by Mr. Johnson, would not necessarily mean the col- umn had broken in two pieces, Mr. Kimball asserted.

"You could easily find a contrac-

tor who would willingly remove these columns, replace them with a less artistic marble and pay \$40,000 for the chance to do it," he flashed.

In so far as the cracked outer stones were concerned, Mr. Kimball under questioning, declared they should cause no anxiety.

"I haven't any building of my own that hasn't as many in propor- tion. I searched in vain for a sin- gle stone that I thought should be taken out," he testified.

Criticized bonding or lapping, he ventured, had in fact been highly commended by critics through the artistic value produced.

was comparable to famous structures of Europe.

"Artistically it is one of the greatest buildings of all times, structurally, it is perfect, equal in fame to the Parthenon, the Pantheon, St. Peter's of Rome and St. Paul's of London," the witness asserted.

"It combines rare beauty with originality. It is a symbol of government, impressive by its grandeur and massiveness," he added.

Defects called to the attention of the committee, Mr. Davis characterized as not unusual, asserting that he believed the terrace walls and floor could be remedied without difficulty.

"Do you think it would require the expenditure of as much as 50 thousand dollars to do this?" he was asked by Special Counsel Sandall.

"No, I don't believe it would cost that much," he answered.

"Marble Not Defective."

He reiterated the testimony of other previous architects, summoned as experts, that the questioned marble pilasters and slabs in the state library were not necessarily defective or of poor material.

Cracked stones, he said, could be found in any structure of similar character, built entirely of stone such as the capitol building.

An amount of rejected stone, refused by the capitol commission, Mr. Davis informed the committee, he had purchased for use in a church. "It was extremely desirable because of its texture," he stated.

Questions shot at the witness by Mr. Randall, after Mr. Davis added his opinion that no state capitol in the United States compared with the building under investigation, brought Judge Thompson into the foreground.

"I may not be right," he asserted, "but it seems to me Mr. Sandall, that you don't like this building."

Sandall Not Impressed.

"I presume that I can't see the great beauty as described by Mr. Davis and others. I was here for two years as a member of the supreme court commission and my dislike for the building was one reason I did not come back," the attorney for the investigators replied.

Cross-questioning the witness, Mr. Sandall stressed the condition of the parapet wall and floor, asking if this was due to faulty construction, and to this Mr. Davis ventured his opinion that it was the result of expansion and contraction. "Possibly some of the expansion joints may have been left out," he added.

"Don't you think that, with the state expending nearly a half mil-

(Continued on Page 9, Col. 1.)

years ago.

"We agreed that it was largely an item of maintenance. That the coping on the walls would always be subjected to changing temperatures and subsequent disintegration," he testified.

"This building," he continued, "has been erected, in my opinion, more for the future than the present and I think it is remarkable that there is less than 10 per cent waste space," he added.

"What do you say as to the qualifications of the present architects?" he was asked.

"I think they are good," came the answer.

On cross examination Mr. McMullen was quizzed strenuously by Attorney Sandall relative to mounting building costs over original estimates.

"What is your explanation?" he was asked.

"The commission had discovered before I assumed office, that the building plans needed enlargement and that some items had not been considered at all, such as decorations, landscaping and finishing of the governor's suite," the witness testified.

Explains Why Expanded.

"The reasons for expansion of the financial program were explained to the legislature and evidently were satisfactory to them," the former governor added.

"Then it was for additions and embellishments," Mr. Sandall queried.

"I don't believe I would use that word. It was largely to meet with future demands and at the rate requests are now being made for bureau rooms and offices, all the rest of the remaining empty space will soon be taken," he answered.

Referring to a December report from which he cited expenditures for architectural services, and inspecting fees amounting to 462 thousand dollars from the time the building was started, Mr. Sandall then asked Mr. McMullen if he did not believe that they should have discovered the "terrace wall going to pieces" before this time.

"I don't know that we ever discovered the wall going to pieces, we did find some defects, however, two years ago," he retorted.

"Can you say whether these defects are serious," Mr. McMullen, he then asked.

"No, I can't say that they are," was the reply.

Replies to "Conspiracy."

F. S. Mayers, head of the Goodhue associates of New York, architects of the building, told the committee all about his trip to Bedford, Ind., in 1922, at which time, George Johnson, former state engineer, charges a conspiracy was begun with the stone company and the quarries to defraud the state.

"Mr. Goodhue was opposed to this stone to begin with," he said. "He wanted a rougher texture and a different color and he had decided in favor of Kansas limestone after seeing some samples when the competition was on for the memorial column at Kansas City. I was sent to Bedford to try to get the stone contractor to achieve a texture and to find a color which would be comparable with the buff of the Kansas stone. I spent days there, working with the contractor in his mills trying to achieve the effect on the stone that I knew Mr.

the very finest columns in this country."

Testify Capitol Is World Famed.

Lincoln, Neb., April 11 (AP).—Nebraska's state capitol building, now under the fire of George Johnson, former state engineer, was characterized at a hearing of the legislative inquiry tonight as one of the foremost examples of American architecture of the generation by Seth J. Temple, Davenport, Ia., T. R. Kimball and Alan McDonald, the latter Omaha architects.

Each of them had been called to the witness stand in defense of the accused directing architects, who developed plans and supervised construction of the structure.

Called to Lincoln from Davenport, his home, Mr. Temple told of his investigation of the building two weeks ago with W. E. Fisher, Denver, at the invitation of The Omaha World-Herald.

"We were told that they wanted an unbiased report, based upon criticism of another Omaha paper," he explained.

Relating what they found, Mr. Temple said they were struck with the condition of the terrace wall, both inside and out, and came to the conclusion that the terrace could be fixed without great difficulty.

Advises Against Replacement.

Cracks in the outer walls, he said, had apparently resulted from a slight movement of the building, or possibly were due to improper bedding in mortar. Questioned by Attorney McNeny for the architects, he advised against removal or replacement of the stones. Some of the breaks, he stated, might be due to improper or careless handling. They found, he related, that some pieces had been broken off and patched back on.

"We saw nothing of consequence, however," he added. "The movement, if any, had not followed on down to the foundation."

Joining of the stones, he asserted, were of unusual proportions, another possible cause.

"In a building of this magnitude, is this cracking unusual?" he was asked. His reply was, "No, not at all. I seldom see stone buildings without some of the stones in this condition."

"Waxed Marble" Passed Up.

Questioned relative to "waxed marble," Mr. Temple declared it was a common practice to use

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World-Herald, April 14, '29

GOODHUE'S DEATH SAID HASTENED BY CAPITOL CHARGES

W. H. April 14, '29

Architect's Heart Broken by 1923 Attack, Legislative Probers Told.

HEAR TERRACE REPAIR WOULD COST \$14,000

(By a Staff Correspondent.)

Lincoln, Neb., April 13. — The death of Bertram G. Goodhue, designer of the state capitol, at the age of 54, is attributed by his friends and associates to the accusations made against the architect in the investigation of 1923, the present legislative investigating committee was told this morning.

F. S. L. Mayers, head of the Bertram Goodhue Associates, the firm which assumed the contract when Goodhue died, testified:

"Mr. Goodhue's friends and associates believe that his accusers in that investigation killed him.

"Because of his artistic temperament, the criticism and the attack made by Mr. Johnson without warning seriously undermined his health. He died suddenly when only 54 years old from an acute heart attack, without having known previously that he was suffering from such a malady.

"Never Forgave the State."

"Mr. Goodhue had never forgiven the state of Nebraska for the stain cast upon his name. He felt that all the relations of love and confidence had been destroyed.

"Mr. Goodhue never made an error with the intention of hurting anyone or doing any harm. It broke his heart to think that in this state of real men, where chicanery is not in evidence as it is elsewhere, he had been forced to run such a gauntlet, without explanation.

NEBRASKA LEGISLATIVE REFERENCE BUREAU.

Bernard McNeny of Red Cloud, attorney for the architects, said: "You heard Mr. Davis (a Lincoln architect) say yesterday that this Nebraska capitol is one of the finest buildings in the world, entirely comparable to St. Peter's in Rome, St. Paul's in London, the Pantheon and the Parthenon. Is it your belief that this inquisition thrust upon Mr. Goodhue by Mr. Johnson in 1923 was instrumental, at least, in causing the premature death of a modern Michelangelo or Sir Christopher Wren?"

Mayers: "I think it was."

Asks of Mayers' Health.

McNeny (aside): "Well Michelangelo had his Johnsons who were pulling the scaffolding from underneath him, too."

C. A. Sandall of York, attorney for the state, then brought laughter by asking, "Do you think it would injure your health, Mr. Mayers, if I asked you a few questions?"

Mayers replied, "No, I don't think so."

At another point in the hearing, Sandall asked, "Is it not true, Mr. Mayers, that the capitol commission backed Mr. Johnson as against Mr. Goodhue?"

"Yes, I think it is and I admire them for it; he was their engineer," he responded.

"Well then, is it not true that from the start of this work to Goodhue's death the commission was having difficulty because he

(Continued on Page 16-A, Col. 2.)

(over)

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GOODHUE'S DEATH SAID HASTENED BY CAPITOL CHARGES

(Continued from Page 1.)

was arbitrary on materials and plans?" was the next query.

"That might have been true in certain instances," Mayers replied. Too Difficult for Judge.

"Wasn't this true in the general letting of contracts?" Sandall asked.

"No, I don't think so," said Mayers.

"Well, didn't Mr. Head attempt to curb Mr. Goodhue from running wild?"

"Perhaps on certain lines," Mayers responded, commenting that Head had taken the negative side of questions from time to time to determine if he could that the architect was right.

Later, Justice W. H. Thompson of the state supreme court, a member of the capitol commission, aroused mirth. Sandall asked Mayers a long and complicated question, when Justice Thompson interposed, "I'm fairly good at absorbing questions, but I can't get that one."

Sandall replied sharply, "If you'll leave us alone we'll get along all right."

Denies Autocratic Methods.
"Well," Thompson answered, "I can leave the room if you desire, but I thought you might want one of the defendants present during the course of the trial."

Sandall continued questioning in an attempt to show that Goodhue was an autocrat and that the capitol commission was forced to approve unwarranted expenditures. Mayers denied this.

Returning once more to the use of three colors of stone, Sandall was told by the architect that all No. 1 stone was being used.

Representative Hasselbalch, a member of the investigating committee, broke in, "Is it not true that color is the basis of quality?"

Johnson Interposes Answer.
George Johnson, former state engineer, who made charges of conspiracy against Mayers and others, stood up to answer that color and that texture were important.

Hasselbalch repeated his question for Mayers, who replied, "My opinion is that you are getting No. 1 stone all through the building."

Chairman Kryer asked, "Then if we are getting three classes of stone are we not getting our money's worth?"

Johnson once more rose to reply: "I claim that what we got before is what the state was gypped on. They generally jail men for that."

Johnson O. K'd Stone.
Attorney McNeny here entered

the free-for-all argument by asking Johnson if he did not approve claims for some of the questioned stone. This precipitated another hot exchange in which Johnson said he might have certified one shipment.

"I didn't have much experience in stone," he complained. Then he protested that he was not getting proper consideration because the attorneys quizzed him when he was trying to explain.

"You should realize that it's hard to concentrate with a half dozen men hurling questions at you," he declared.

Sandall then went over the matter of repairing the broken terrace wall with Mayers.

Goodhue, said Mayers, had planned a tile or flagged floor for the terrace, but had changed his mind for economy's sake. It is obvious, Mayers, that the expansion joints in the terrace were not large enough to withstand the Nebraska extremes of heat and cold.

Repair Cost \$14,000.

"What would be the cost of repairing the damage?" Sandall asked.

"I think about 14 thousand dollars," Mayers replied.

Mayers went on to say that a complete repair, good for all time, could be made by following Goodhue's original plan for a flagged floor. This, he said, would cost about 30 thousand dollars, instead of 14 thousand.

The marble pillars, which had been criticized because they were cracked, were then discussed.

"That kind of marble was specified because of its beautiful texture," Mayers said. "It would have been easy to buy a cheap, white marble with no seams."

The committee adjourned just after noon until 8:30 Monday morning.

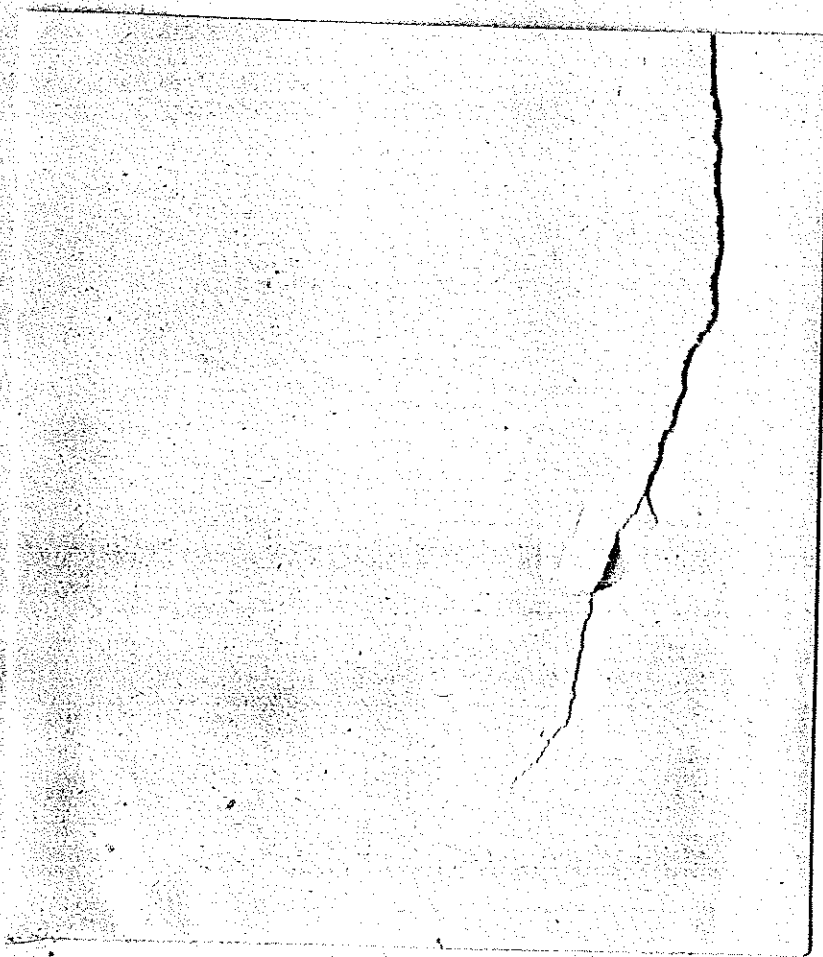
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Journal, April 15, 1929

Bryan testifies in
State House probe,



BRYAN TESTIFIES IN STATE HOUSE PROBE

Continued From Page 1.

been made for drainage and expansion. The terrace had remained in perfect condition for two years. It was concluded that if it had resisted the heat and cold for two years it had not been faulty; that expansion joints had retained pliability for two years, but had now become clogged with dirt and hardened, not providing sufficient expansion. This had caused the parting or forcing out of the walls at the corners. This had damaged the waterproofing beneath the floor. It was noted in one place that dirt had filled the drain, thus holding water in place. Moisture going thru the walls from this source had caused discoloration of the stone. This discoloration would disappear. Lack of maintenance was the primary cause of the trouble. The expansion joints should be cleaned out and refilled. The existing concrete and pebble floor should be taken up and repaired. The parapet wall should be removed and repaired and the water proofing should be relaid and stones not in proper place should be relaid. Waterproofing should be improved, and the floor of the terrace be relaid, adding asphalt strips so that additional expansion may be provided. An estimate of the cost of repairs was given:

Floor removed	\$ 1,500
Re-waterproofing	6,000
Copper work	4,800
Resetting stone	7,000
New and more expensive floor ..	30,000
Total	\$49,300

Some department should be made responsible for maintenance and upkeep. The cause of the present trouble is the lack of upkeep.

Ellery Davis was said to have been called to Chicago. He had sent word that he concurred in this report. Mr. Mayers further explained what was meant by proper maintenance. The terrace must be kept clean and the joints must be kept in proper condition. The figures take into consideration correction of faults now existing. The actual cost should not vary ten percent from the total. The pebble floor slabs had shown an excess ex-

panation and other material should be used, preferably tile. The new and more expensive floor should not be charged to repairs.

Cross examined by Mr. Sandall, Mr. Mayers said the commission had been considering the matter of terrace repair for three years. Engineers had laid the blame on lack of maintenance. Mr. Mayers had made a survey and had offered recommendations, but he would need time for study and consideration before urging them. No written report had been made by the architects on the matter previously. The first time a serious condition had been known was last summer, altho evidence of trouble to follow had shown up in 1926. The suggestion had been made before that hardening of the expansion joints was a cause for the trouble.

Mr. Mayers could not estimate off hand what a proper maintenance of the building would cost, but it would require a competent engineer, two assistants, and an allowance for repairs. It would require time to make this estimate. He would supply it later.

Mr. Mayers said the Goodhue plan for the terrace had not been changed. He did not think architects should have warned the commission about possibilities of the terrace. He thought that was an engineering problem. Mr. Cochrane had not been negligent. He had had no funds with which to do things.

By questioning Mr. Mayers, George Johnson endeavored to show that mastic expansion joints are never satisfactory; that bottom of the slabs are at times wet and the top dry, thus causing expansion on one side and contraction on the other side. Mr. Mayers agreed that the damage to the slabs may have been caused by moisture and temperature differences.

Mr. Johnson said several states had been quit using mastic joints in paving because of their tendency to harden and not function.

Mr. Johnson recalled the marble controversy. He wanted to know why one piece marble in columns had been specified, when decorative marble had also been specified. Mr. Mayers admitted the specifications in this respect were not consistent. The marble used did have defects. He thought the seams dug out by Mr. Johnson could be repaired even yet to look better than they now appear. He read from the specifications showing that the marble columns was to be set in "monolithic forms." He contended that the columns in place were in "one piece."

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of the stone. The statement of architect Kimball relating to this stone and its cost should also be introduced. The committee acceded to this request.

Mr. Johnson objected to consideration by the committee of telegrams from marble dealers, as they were from interested parties. Mr. Hasselbach asked if it were intended to undermine the marble industry of the country.

"I hope," said Mr. Hasselbach, "that the marble industry of the United States will not be wrecked by this investigation."

"They," said Mr. Johnson, "will take care of themselves."

Bryan on the Stand.

Ex-Governor Bryan was called to the stand. When he became governor George Johnson was state engineer. Bryan told of his work on the commission. The inquiry made by the commission and the governor in 1923 covered transactions before Mr. Bryan became governor. The charges made now do not apply to the Bryan administration, with the exception of one point, and that relates to the death of Mr. Goodhue and the new contract with his architect associates to continue the work. This contract Mr. Bryan had a part in and he regarded it as entirely defensible.

When Mr. Bryan entered office criticisms of cost of the building and the quality of the stone were frequent. At his first meeting of the commission on February 23, 1923, Mr. Head spoke of the stone quality. Mr. Head had then had the matter up with Mr. Goodhue.

When he went into office he was confronted with retaining Mr. Johnson as state engineer or replacing him, and his same situation faced him in regard to the commission personnel.

Mr. Bryan had asked Mr. Johnson twice of the report were ready. Later it was ready and Mr. Johnson asked for a commission meeting. Mr. Bryan recalled that Mr. Head said Mr. Johnson had told him Mr. Bryan was making the investigation. The commission had not been called to meet earlier because Mr. Bryan had not reached a decision on appointments and had no report from Mr. Johnson on the stone.

At the first meeting under Mr. Bryan the Johnson report on the stone was bad. It was a shock to all. It was an attack on the architect and a reflection on the commission. The Johnson report was given to the press before it was read to the commission.

Mr. Bryan said an inquiry under the Johnson report was begun. This continued until March 8 to March 23 on which date the report was made which Mr. Johnson signed and which Mr. Bryan regarded as a refutation of Mr. Johnson's charges. The charges were of a criminal nature and were not substantiated. There had been gossip about the stone contracts, but testimony concerning this gossip was later withdrawn.

The report of the proceedings were "deleted" because of withdrawn testimony. The original minutes are in existence and available. Reflections then made are again made by Mr. Johnson, said Mr. Bryan.

The inquiry developed that the state had the services of three

BRYAN TESTIFIES IN STATE HOUSE PROBE

FORMER GOVERNOR ON EARLY INQUIRY.

Says He Did Ask Johnson to Resign After Charges Made Were Refuted.

Charles W. Bryan, former governor of Nebraska, was on the witness stand at the legislative capital investigation Monday when the committee adjourned for the noon hour. He took the stand in the afternoon and continued his story of his work with the commission.

Mr. Bryan's forenoon testimony dealt with what he found when he became governor and his relations with State Engineer Johnson. He told of criticisms about the cost of the building he had heard, relating to stone quality and cost of the building, and asking Mr. Johnson as state engineer to make an investigation of later report, charges, inquiry by the commission, refutation of charges and the demand for Mr. Johnson's resignation. He also dealt with evidence introduced. A number of statements and documents were read into the record at the forenoon session, among them programs from marble men substantiating evidence now before committee relating to marble defects and quality.

Mr. Mayers Concludes.

Architect Mayers said he had made a recheck of the terrace wall and had reported that the drawings, details of construction, and the wall itself. Ellery Davis, architect, said ample provisions had

Continued on Page 5.

Henry Davis was said to have been called to Chicago. He had sent word that he concurred in this report. Mr. Mayers further explained what was meant by proper maintenance. The terrace must be kept clean and the joints must be kept in proper condition. The figures take into consideration correction of faults now existing. The actual cost should not vary ten percent from the total. The pebble floor slabs had shown an excess ex-

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Mr. Mayers said much material had been rejected and that Mr. Younkin would so testify.

Mr. Sandall asked if any material for the building had been re-

jected. Mr. Mayers said so far as he knew or had been informed the marble columns were in one piece. The marble in the library did have breaks and seams but all such marble has the same defects.

Three telegrams received in reply to the inquiry of Mr. Head about marble were offered. They were from marble companies. They showed that all colored marbles required waxing and cementing to make an artistic finish. It was said it was always necessary to repair nature's shortcomings and natural faults. Such repairs are standard practice.

The statement of Henry Strubble at the investigation in 1923 was read. This related to the bids on stone. First bids were rejected. The Strubble bid was low in the next bidding. The statement referred to the color and texture of the stone finally accepted. He said the stone was of contract grade.

Mr. Sandall read into the record a part of the proceedings of the commission in 1923 relating to rejecting stone furnished and authorizing the contractors to continue with the work as per specifications. It was also shown at that date, February 1923, that State Engineer Cochrane was made the agent in charge of construction for the commission. The record showed that the three grades of stone used were selling at 45, 70 and 70 cents, and the adjustment in price was then made.

No Suit Against State

George Johnson asked Attorney Cline if the purpose of introducing the 1923 statement of Henry Strubble was to lay the foundation for a suit against the state for the difference in the cost of stone claimed and the sum paid. He had no thought of a suit against the state.

Mr. Johnson held that the statement of Henry Strubble was objectionable. It related to the cost

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The report of the proceedings were "deleted" because of withdrawn testimony. The original minutes are in existence and available. Reflections then made are again made by Mr. Johnson, said Mr. Bryan.

The inquiry developed that the state had the services of three able sincere men giving good service. He reappointed them. "I am referring to Mr. Herd, Mr. Thompson and Mr. Hardy," said Mr. Bryan.

When he went into office he had had a conference with heads of departments under the code and asked them to remain for thirty days, until he could determine whom he wanted to appoint. Mr. Johnson had agreed to serve for this period.

Mr. Bryan had regarded the state engineer as the governor's expert. Mr. Johnson had failed him. The Johnson charges were refuted, and Mr. Johnson had signed the report refuting them. Mr. Bryan had felt that Mr. Johnson's usefulness to the commission had ended. He had asked him if he wanted to resign. The first resignation was not in proper form and Mr. Bryan had demanded another resignation which was furnished. He had asked Mr. Johnson, however, to meet with the commission until the end of March. Mr. Johnson served as secretary until late in March and Mr. Cochrane was made secretary of the commission April 1, 1923.

The day the commission signed the report refuting the charges, containing the same allegations, were filed with the legislature by Mr. Johnson. The press had then given out the impression that this trouble grew out of trouble between Mr. Bryan and Mr. Johnson.

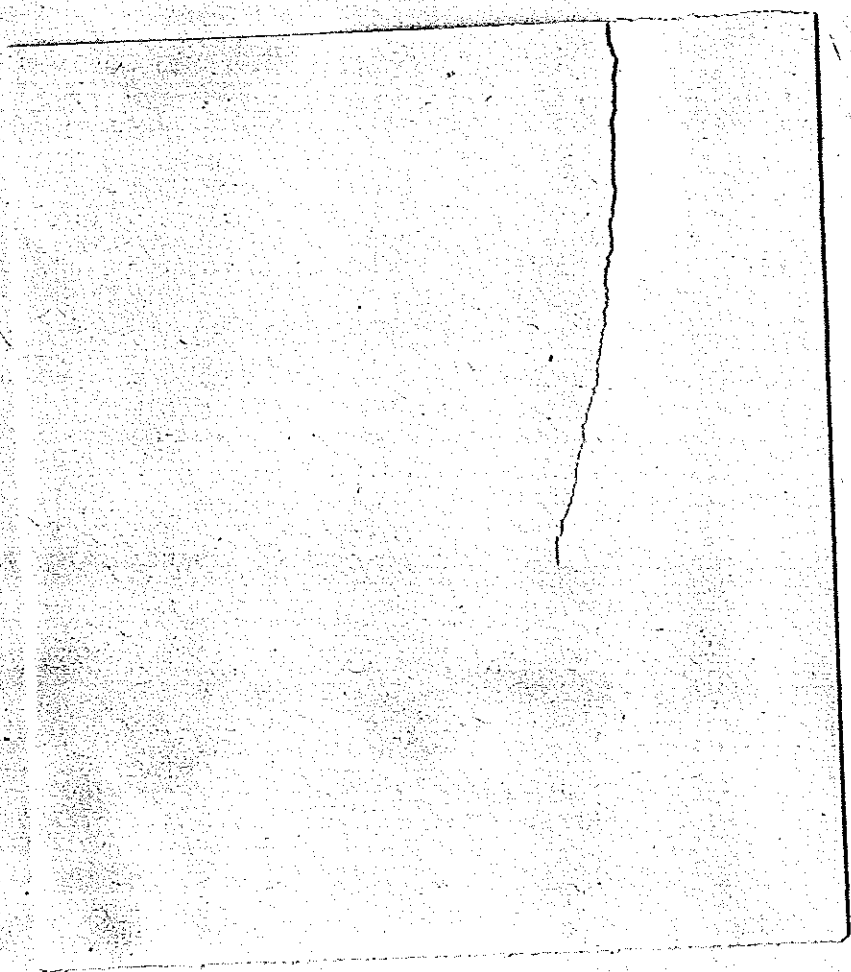
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#249

Davis on Capital Construction

NEBRASKA LEGISLATIVE
REFERENCE BUREAU.



DAVIS FINDS CAPITOL WELL CONSTRUCTED

April 13, 29
LINCOLN ARCHITECT IS
WITNESS IN PROBE.

M'Mullen and Representa- tive of Goodhue Also on Stand—"Symbolizes Government."

Nebraska's capitol is equal in fame and importance of design to the Parthenon, the Pantheon, St. Peter's at Rome, and St. Paul's in London, in the opinion of Ellery Davis, Lincoln architect, summoned Friday afternoon to testify before the joint legislative committee investigating alleged defects in the state house.

Former Governor McMullen also gave his opinions on the building and his part as ex-officio chairman of the capitol commission, in its construction. Francis L. Mayers, representative of Bertram Goodhue associates, successors to the architect who made the original plans, was on the stand during the latter part of the hearing. His testimony will be concluded Saturday morning.

"Artistically, this is one of the great buildings of all time, and it is structurally satisfactory," said Mr. Davis, designer of Lincoln high school, the university stadium and coliseum, Morrill and Andrews halls on the campus and many other Lincoln structures.

The Nebraska building combines great beauty with originality, Mr. Davis said, adding that "it is only a genius that can do an original thing without sacrificing beauty." He said that a state building must be more than a structure providing adequate space for the various departments. A downtown office building would more effectively and efficiently serve that purpose.

"This building symbolizes government," he declared. "It impresses with its grandeur and magnificence."

Defects called attention to in the written charges of former State En-

Continued on Page 11, Col. 1.

DAVIS FINDS CAPITOL WELL CONSTRUCTED

M'Mullen and Representa- tive of Goodhue Also on Stand—"Symbolizes Government."

Continued from Page 1.

gineer Johnson were characterized by Mr. Davis as misleading or of the usual sort encountered in constructing a building of the Nebraska capitol's size. He said he believed that expansion of the concrete top, caused by temperature changes, has pushed out the parapet wall. "I have had plenty of this trouble myself, and it usually comes where least anticipated."

Mr. Davis' opinion was that only the top part of terrace, which is surrounded by the parapet, is defective, and it is pushing the walls out. He thought the trouble started with the first change of seasons. He did not, however, "think there was any situation that cried out for immediate action."

Less than \$50,000 Needed.

In answer to a question of Attorney Sandall for the committee, Mr. Davis said he did not think \$50,000 would be needed to repair the terrace.

Asked if he thought the architect should make good on the repairs to the terrace, Davis said he did not believe so. It is hard to place the cause in such a case, he stated, as it was probably due to a combination of defects in construction and plans.

In answer to Attorney Sandall's query if the capitol were not a combination of two geometrical blocks, Mr. Davis said: "It is the master who achieves beauty by simple means." Judge Thompson, member of the capitol commission, interceded to ask Mr. Sandall if he disliked the building. The attorney admitted that he was unable to see the great beauty referred to, and stated that he had declined an appointment because he disliked the capitol structure.

Mr. Davis said the difference of opinion in the matter of beauty might lie in the personal utilitarian viewpoint. He averred that the Nebraska building was the most satisfactory from a useful standpoint of any state capitol he had visited. Even so, the structure cannot remain perfect from a practical view for more than a generation, hence the attempt to provide beauty on a monumental basis.

He thought the pillars in the main corridor and the panels in the library showed a fine selection of marble. No finely veined marble is without imperfections. He was firmly of the opinion that none of the material should have been rejected or now removed.

Pays Tribute to Goodhue.

For a building of monumental character, no substitute would have served the permanent and decorative purposes of the Gustavino or acoustic tile which Mr. Johnson charged the committee with buying unwisely, in the opinion of the Lin-

ments will find quarters where they can function suitably. He referred to other state houses which had rapidly become inadequate because future needs had not been anticipated.

He accounted for the increase cost largely by the fact that enlargements were made in the plans, and additional furnishings provided for. He prophesied that with the additional boards and commissions the legislature is constantly asking for, the present space will soon be occupied. The point was brought out that most capitols have 20 to 30 percent wasted space for practical purpose, while the Nebraska structure has only about 10 percent unusable space.

The former governor called attention to interest created thruout the world in the building. He said he had received inquiries from many foreign countries.

Quizzed on the work of the commission and its employes, Mr. McMullen said the relation among the members and with the architect had always been pleasant so far as he knew.

He said no marble had been rejected by William Younkin, chief of the works at the capitol, during his term in his recollection. He insisted that Younkin had been very diligent and had called the attention of the commission to defects many times. Attorney Sandall's questioning brought out that the clerk of the works is paid \$6,000 annually, \$15,000 a year being spent for the inspection work of himself and his assistants.

The history of Architect Goodhue's relations with the capitol commission was traced by Mr. Mayers. He has been with the Goodhue organization since 1908. It was in the spring of 1920 that Mr. Goodhue was invited to enter the competition for the work on Nebraska's capitol.

Mr. Mayers said that his em-

ployer was not interested in the proposition because he thought the dome type of building would be desired. Work begun by a draftsman in the office changed his views and he completed the plans which were accepted.

Mr. Goodhue's death in April, 1924, came as a shock to his associates, according to Mr. Mayers, and they were apparently confronted with liabilities which were dependent upon the architectural services contracted for. A partnership was formed to carry on the work.

A few months after the architect's death, the capitol commission came to New York and made a contract with his associates to complete the work for a flat sum of \$80,000. Mr. Mayers estimated that this amount is about 1 percent of the work which they will supervise, while the usual fee is 6 percent. The construction has gone on under that contract.

The architect decided early in the progress of plans that in lieu of obtaining a stone which he had discovered while working in Kansas City and which struck his fancy, that light buff limestone would be used.

Mayers went to the Henry Struble works at Bedford, Ind., to examine and test samples to get the finish and texture desired by Mr. Goodhue. A sample wall was built there and approved by the architect. In answer to Johnson's charge that he was one of a group of conspirators to defraud the state out of money by furnishing the state with a poorer quality of stone than was purchased, Mr. Mayers declared that during his investigation, no reference was made to quality. He examined the stone only for texture and color he maintained.

The architect's plan was to build the terrace of rougher material of mixed color and to use

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Mr. Davis, who competed with Mr. Goodhue and eight others in drawing plans for the Nebraska capitol, said that as a man and an architect, no one in America had a finer reputation than the late New Yorker. "The commission had no other choice after the plans had been submitted," he declared.

Mr. McMullen, in telling of his work on the commission, said he was struck by the zeal, faith and devotion of the members to the work, serving without pay. In the matter of awarding contracts, he said that the group adhered strictly to the rule of making awards to the lowest bidder, tho at times he felt they should have done otherwise.

Referred to the matter of the condition of the parapet walls, the former governor stated that the commission had directed its attention to the walls some years ago. "We looked on it as a matter of maintenance, apt to come at any time," he declared. "There are some things, such as the coping on the parapet, which probably cannot ever be considered permanent, as they are constantly subject to the changes of the atmosphere and temperature."

Look to Future.

McMullen said he thought that the capitol should be considered with regard to the future as well as the present. As the state grows, the divisions of the three depart-

questioning brought out that the clerk of the works is paid \$6,000 annually, \$15,000 a year being spent for the inspection work of himself and his assistants.

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The architect's plan was to build the terrace of rougher material of mixed color and to use

smoother, lighter material as the shaft was erected, Mr. Mayers said. To the best of his knowledge, stone has to this day been picked and inspected according to this policy, he testified.

The reason for making a contract for stone at 75 cents per cubic foot for future construction was that the architect wanted to safeguard against being overcharged for material after the kind had been picked, according to Mr. Mayers. In his opinion, the capitol has only the ordinary number of cracks for a stone structure, and this is not directly comparable, since there is no other building of the 400-foot square dimensions.

Strubble's contract for the first section was for stone cut, delivered and placed in the building, Mayers said in answer to the claim that contractors were forced to refund \$14,000 for overcharging. He said he did not believe the refund just, feeling that there was no question what the works paid for the stone so long as it met with specifications. An adjustment of the later price was made.

Marble Well Selected.

Speaking as an architect, Mr. Mayers classified the marble in the library as very beautiful. "No matter what the specifications say, the pillars for the main corridor were selected by Mr. Goodhue," he declared, "and that is what you pay an architect for." He reaffirmed the other expert opinions that all good marbles are subject to cracks and seams, and objected to "gouging" the pillars as he had observed someone had done. Mr. Johnston used a pen knife to demonstrate alleged defects in the material while conducting the committee around the building Wednesday.

Mr. Mayers stated that the original drawings for the terrace provided for a different floor, taking care of the matter of contraction and expansion by square flags

underlaid with copper strips. Plans were changed because "all possible economics were being effected at that time."

When the pebble floor was installed, it was planned that upkeep would be provided to retain it in good shape. The builders plan to let it go on further to ascertain definitely just what can be done. Figures by Mr. Younkin were submitted to the effect that \$14,800 will put the terrace in satisfactory condition.

In answer to criticism of the method of laying stone by use of wooden wedges, Mr. Mayers said that policy is followed in all large stone jobs, more for the purpose of making a uniform joint than holding up the block.

At the opening of the hearing, Attorney Cline for the architects read a part of the testimony of Charles Olson, Lincoln engineer and builder at the legislative investigation of 1923. The contractor stated that he thought the stone work in the capitol perfect.

Portland cement was the material used for mortar, it was asserted, the wedge serving the purpose of making joints even. The

new and more artistic method of larger joints was employed in stone laying. Mr. Olson was quoted as saying that "the walls will stand a thousand years as far as the stone and mortar are concerned."

Testimony of J. H. Wiese, one of the contractors, was read to the effect that the walls are as good as can be made from the standpoint of workmanship and material.

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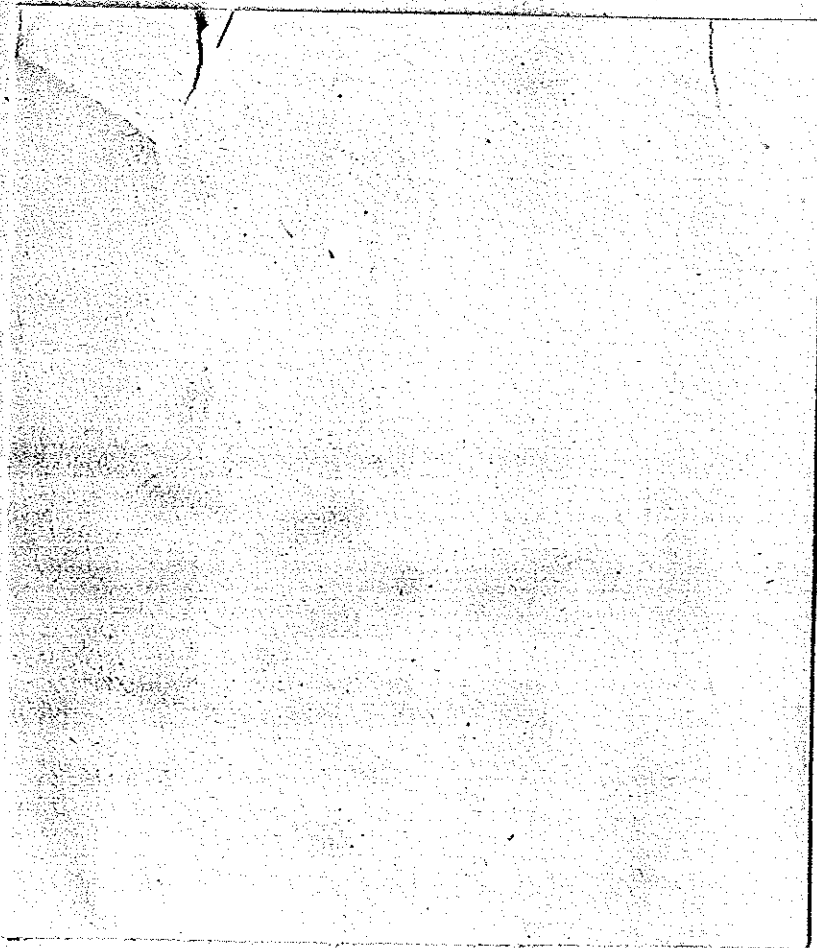
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World-Herald

April 16 '29

Bryan's testimony in
Capitol investigation.



DRYAN TESTIFIES OF 1923 INQUIRY AT CAPITOL PROBE

W.H. April 16, '29
Former Governor Says
Johnson Then Refuted
"Squandering" Charges.

M'KELVIE IS WITNESS DEFENDING STRUCTURE

(By a Staff Correspondent.)

Lincoln, Neb., April 15.—George Johnson, complainant against the capitol commission before the legislative investigating committee now hearing evidence of purported "squandering" and "fraud" in the construction of the building, refuted all of his charges in 1923 and signed a statement making such refutation, former Governor Charles W. Bryan testified on the witness stand before the committee today.

"Mr. Johnson filed all these charges, like a bolt from the blue sky, in 1923 when he was a member of the commission," former Governor Bryan said. "He filed them before the commission itself. The commission had a hearing immediately. The witnesses upon which Johnson relied to prove his case, most of them disappointed bidders on building contracts, refused to give the damaging testimony hoped for, and Johnson at the close of the hearing signed a statement with the other members of the commission, refuting his own charges.

"The same day, however, he filed the same charges which he had just refuted over his own signature, with the legislature of 1923, and asked for another investigation. The legislature investigated, and now Johnson is back here again, filing the same charges a third time, before another legislature.

Witnesses Hear 'Rumors.'

Johnson charged fraud in the letting of the original contracts, Bryan said, and when he brought his witnesses in they refused to be placed under oath, they refused to give names, and finally admitted that they had only heard "rumors."

"Only five stones were removed from the building after the first criticism," Bryan said, "and yet he was the authority upon which Governor McKelvie and the members of the commission were relying for expert technical advice."

McKelvie Testifies.

Former Governor McKelvie, who left his home for the first time in months to testify at the hearing, said that Johnson was made the technical member of the original commission purposely, "and we relied on his judgment, and were controlled by him much more than by the architect." Governor McKelvie has been confined to his bed or his home for months recovering slowly from serious X-ray burns. He sat in the hearing room leaning on a stick, attended closely by Mrs. McKelvie, and evidently in pain. Pressed closely by Attorney Sandall as to the reason for the rise in the cost of the building, from five millions, as originally

In view of Johnson's failure to substantiate his claims, Bryan said, he felt the engineer's "usefulness was ended" and he asked Johnson to resign.

Despite the commission's decision, said Bryan, Johnson then went to the legislature and made the same charges. Another investigation followed.

The only matter now at issue which was acted upon during his administration, Bryan said, was the contract with the Goodhue Associates, which took over the architectural contract at Goodhue's death. This contract, Bryan said, appeared to be very advantageous for the state.

"The principal discussion concerning the stone was about—about—" and Bryan hesitated.

"Porosity?" someone suggested. Estimate Parapet Repair.

"Yes, porosity," Bryan went on. "It's a word not in my simple, democratic vocabulary."

Sandall, attorney for the committee, broke in. "Wasn't that a rather important element in the last democratic campaign?"

"Perhaps so," Bryan replied, "but we didn't discuss it in those terms with our simple, uneducated clientele."

The much discussed condition of the parapet walls surrounding the capitol were attributed by F. S. L. Mayers, directing architect, to improper maintenance—due to lack of any upkeep fund.

With this statement, Mr. Mayers submitted a joint report compiled by himself and Ellery Davis, Lincoln architect, in which the estimated cost of necessary repairs to this phase of the structure, was fixed at \$49,300.

The two men Saturday made a three-hour survey of the terrace floor over the one-story outer structure.

"We found that apparently the terraces had remained perfect for

two years and that later expansion and contraction had, with dried joints, started a movement in the upper walls," Mr. Mayers related. The entire source of the trouble, he suggested, was due to hardening of the mastic joints which he said they found were now entirely un-liable.

An accumulation of dirt in the drainage gutters, he stated, had stopped the easy flow of surface waters, which subsequently seeped into the floor of the terrace.

During Mr. Mayers' testimony Johnson rose to ask, "Don't you know that these soft tar-like joints are now considered impracticable in paving work?"

Mayers replied, "No, I didn't know that."

Johnson went on to ask, "Don't you know that water gets under those large stones, causing them to expand underneath and contract on top, so that they curl up at the edges?"

Mayers said he had noticed this, but did not know the reason. "I'm glad to know that," he said.

Johnson snapped, "That's an elemental principle of engineering that any schoolboy should know."

Johnson quizzed in turn.

Mayers replied, "If that is such an elemental principle of engineering, Mr. Johnson, why didn't you, as an engineer and as technical member of the capitol commission, recognize this as poor construction when you accepted the plan?"

Johnson answered, "Well, I made some complaints about the plans."

Cline read into the record telegrams from two marble firms and from the National Marble association of Cleveland, confirming a previous wire saying that fine Italian marble cannot be found free from cracks.

tion of this building with my em-
ployes, in number only 221," he
said, "we rattled around here like
a few peas in a barrel. We were
almost constantly lost, we had so
much room. But the next year,
when a republican administration
appeared, increasing the number of
state employes to 1,500, they had to
put some of them in the halls to
take care of them."

"Walls Should Bulge."

"Were there any complaints about the condition of the terrace during your administration as governor?" Attorney Sandall asked.

"No," answered Bryan. "But there have been some doings here since then. With what I hear about the vast increases in employes quartered here, and some of the pressure exerted in the building, I think it is natural that some of the walls should begin to bulge a little."

Prolonged laughter from the au-

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"The reason for that uncertainty," he said, "was due to the inevitable fluctuations in building costs over as long a time as it has taken to build a building like the capitol piecemeal, as we got the money," and also to the increase in the size of the building from seven million cubic feet to nine million cubic feet."

Reports Investigation Elsewhere

From the standpoint of the people of the state, McKelvie said, the investigation is a good thing. "But," he added, "from the standpoint of the reaction in other states it is one of the worst things that ever happened to Nebraska. It will be a long time before the truth will ever overtake, in other states, and in other countries—I don't like to say the falsehood, but at least the wrong impression—which has gone out as a result of these charges, it is a terrible damage to the reputation of Nebraska and to one of the finest buildings in this country."

Attorney McNeny, in answer to Sandall's insistence that building costs have not risen since the first contracts were considered, introduced a chart from the Engineering Record showing that where in 1922 building costs were rated as 100, from 1923 to 1927, during which time most of the building has been built they were rated as 220, an increase on a basis of 100, of 50.

Bryan Brings Laughter

Former Governor Bryan caused merriment in the large audience which listened to the hearing by giving his "explanation" of how the terrace wall came to bulge out, and why it was necessary to have a larger building than at first was planned.

In answer to a question by Attorney Sandall, as to why the building had been increased in size, Governor Bryan explained as follows:

"When I moved into the first sec-

(Continued on Page 2, Column 1.)

room today, no matter what his age!" Bryan, who is past 60, is known for his physical constitution.

Tells How Johnson Quit

Circumstances surrounding Johnson's resignation from office in 1923 were told to the committee this morning by Bryan.

Bryan said that two weeks before he took office in 1923 he arranged with Governor McKelvie's code secretaries, among them Johnson, to hold over temporarily but to be ready to leave on two weeks' notice.

Four days after he became governor, Bryan said, he met Johnson on the steps of the old capitol building.

Bryan Asked Report

"I don't like the looks of some of that stone," Bryan said he told Johnson, pointing at the walls of the new capitol which were then just rising from the foundations.

Bryan asked Johnson to prepare a report on the stone, he said, and submit it to him. He wanted to look into administration by the state capitol commission before considering reappointment of members.

Bryan said he asked for the report for himself, considering Johnson as an employe of the governor and not as ex-officio secretary of the capitol commission.

Some time later, however, Bryan testified, Johnson came to his office and said he had the report ready, and asked Bryan to call a meeting of the capitol commission. Bryan said he had not intended the report for the commission, but saw no harm in having it read by the commission members, so he agreed to call a meeting.

Astonished at Charges

At the meeting, Bryan said, the members were astounded when Johnson's report, read by Walter Head, contained in effect, grave charges against the members of the commission.

Mr. Head, Bryan said, took Johnson aside and asked him why he had presented such a sensational report, and Johnson said, according to Bryan, that he had made such charges in order to head off Bryan, who was presumably planning an investigation of his own.

When the commission adjourned at noon, Bryan continued, the members learned that Johnson had given copies of his presumably confidential report to the newspapers. It was decided, he said, to hold a hearing.

"That investigation," Mr. Bryan said, "was much the same as this." At its conclusion, he said, a report was made that none of Johnson's charges had been substantiated—and Johnson signed the report.

dience greeted these sallies of Bryan's, which were also taken in good humor by Attorney Sandall and the committee.

Lauds Commission

Governor Bryan paid a high tribute to the members of the capitol commission. "I was convinced at the first investigation," he said, "that these men, Mr. Head, Judge Thompson and Mr. Hardy, had given a devoted service to the state in their management of the construction of this building up to that time, and I was astounded at the great amount of technical knowledge they had acquired from their experience. I knew that the state would suffer without their continuation in the place, and I was glad to have their appointments stand. I may say the same for Mr. Cochran, whom I appointed as state engineer to succeed Mr. Johnson. His work was earnest and sincere and dependable."

At the close of the hearing tonight, Johnson, who had been silent for hours, was asked if he cared to ask Governor Bryan any questions.

"No," said Johnson, "I won't bother him. He's too old." "Too old?" said one spectator to another in the corridor after the hearing adjourned for the day. "Say, Charley Bryan could outrun and out anything else anybody in this

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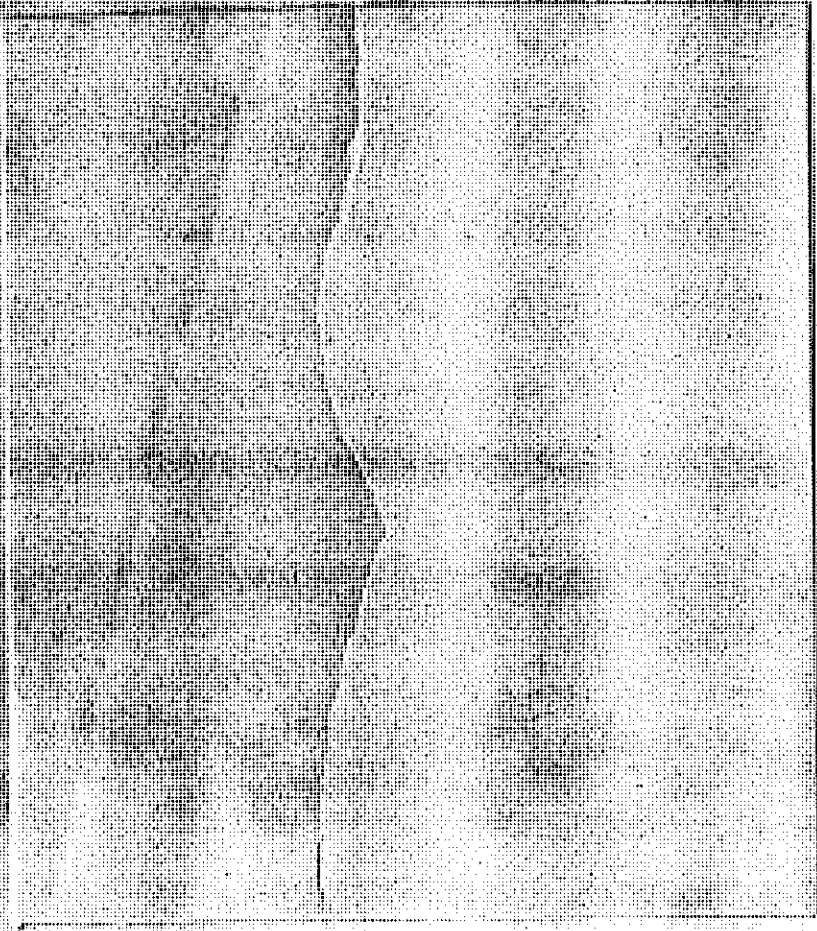
Journal,

APRIL

16 1929

McKinley on Capital Power

NEBRASKA LEGISLATIVE
REFERENCE BUREAU



**PROBE IS BENEFICIAL
TO STATE—M'KELVIE
BUT OUTSIDE PUBLICITY
UNFORTUNATE, SAYS.**

**Former Governor Explains
His Work on Capitol
Commission—Bryan
Takes Stand.**

The testimony of former Governors Bryan and McKelvie Monday afternoon before the joint legislative committee investigating alleged defects in the state house building and items in its cost, indicated that they are of the opinion that the increase made over the \$1,000,000 original appropriation has been justified.

"The question of the cost of the building was never a certainly largely on account of varying costs of construction and also because of an enlargement of plans," Samuel H. McKelvie, former chief executive, stated.

The hearing will be resumed at 8:30 a. m. Tuesday. Clerk of the Works Younklin and Judge Thompson, member of the commission, will take the stand. It is hoped to conclude the hearing by late Tuesday.

Outlay was governed by the cost of construction at the time of letting contracts, according to Mr. McKelvie, who spoke of the shortage of building the structure by parts on account of the unavailability of funds.

He denied that Hertram Goodhue, the architect, had exerted undue influence on the capitol commission against their better judgment. "The commission was always the determining factor in what should be done," he asserted. "It had its technical member in the state engineer, whose opinions had as much or more influence as those of the architect."

"The members of the commission functioned with an unselfishness of purpose I have never seen equaled," the former governor de-

Continued on Page 5 Col. 1

**PROBE IS BENEFICIAL
TO STATE—M'KELVIE
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**Former Governor Explains
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Continued From Page 1

clared in answer to a question. "The desire for economy in safeguarding the interests of the state was always evident."

Attorney Sandall for the committee asked McKelvie how he explained the discrepancy in the original estimate of sixty cents per cubic foot for the cost of the capitol and present indications that it will cost a dollar a foot. Mr. McKelvie said that he understood that one large factor was the increased cost of construction.

Building Costs Greater.

The governor based his prophesy on the contracts already let at that time, according to Judge Thompson, member of the commission. "You could not expect the cost on the first section to compare with that of the later portions, which included the monumental hall and other ornamental sections," he asserted.

Figures showing that construction costs were lower in 1922, had a sharp rise in the next year and continued slightly lower than the 1924 peak in the next few years, were quoted from an engineering publication by Bernard McNeny, representing the architects.

"The effect of this investigation within the state has been benefi-

cial, because the people as a whole have been getting the truth," Mr. McKelvie said, "but the publicity that has gone outside the state has had an inimical effect. It will take a long time before the truth will overtake the misrepresentation that has spread all over the United States and probably to other countries."

Mr. McKelvie's testimony at the 1923 investigation was read. At that time he looked upon the hearings as a trial of the commission, and expressed a personal feeling that it was "much ado about nothing."

He stated that he had appointed the capitol commission with the idea that it would be responsible for the building, and paid tribute to the integrity of the man. With that view, he felt that any charges against the architect or the building reverted to the commission.

"Old Stuff" to Commission.

They had departed from the established practice in selecting an architect in what he considered one of the most successful competitions, architecturally, ever held. Mr. McKelvie said in his 1923 testimony. He stated then that the commission could determine with no reasonable degree of accuracy what the total cost would be, but felt that with a decline in costs, they could remain within the appropriation.

"The hands of the commission are not bound by Mr. Goodhue," Mr. McKelvie said in 1923. "If this capitol is to be built, the commission obviously will build it. If this problem becomes involved in the whirlpool and maelstrom of personal opinion, no one will be satisfied."

The former governor's testimony in the early investigation gave his statement that no problem brought out in the hearing instituted by Johnson's charges had not first been discussed by the commission.

Bryan Rejected Stone.

Two carloads of stone were condemned by him and ordered removed from the grounds during his term as governor, Charles W. Bryan testified. He said he directed Roy L. Cochran, present state engineer, to inspect the material on the ground during the interim between his appointment and the time he took up the duties of secretary of the capitol commission. Bryan then accompanied him and ordered the unsatisfactory stones taken away.

Mr. Bryan said that he agreed with citizens of the state who inspected the building that certain of the stones were too porous, altho architects thought them satisfactory. Five stones were marked for removal and ten more "rubbed down." So far as he knows, all stone delivered since then has been inspected.

During the latter part of Johnson's term as secretary of the public works department, before he resigned under fire of Bryan's charges, the former governor said he repeatedly requested from the state engineer a report on the condition of stone in the walls.

Johnson, he said, asked that when he made a report that it be given before the commission. Simultaneously with the presentation of his statement at the meeting, the state engineer gave it to the commission.

Goodhue associates, architects on the job, declared that the only payments not made are for sculpture not yet completed.

Attorney Sandall wanted to know if Mr. Bryan had no criticism of the structure. The latter said he had none that was serious. "Your severest criticism is for the man who attempted to stop it?" queried the attorney, referring to the alleged defects. "That's your statement," said Mr. Bryan.

Quizzed as to Goodhue's influence over the commission while he was a member, the former governor said that if the legislature represented public opinion, it was directed more by that than the architect, basing their actions on plans and contracts agreed upon by the experts.

"But you assured the public that the capitol would not cost over five million," Mr. Sandall insisted. "Not me," declared Mr. Bryan. "All the big contracts were let during the other administrations. I think, however, that those have followed me have conducted their administrations with relation to this building that I can endorse them."

Stones in Equal Shares.

Mr. Mayers gave figures he had prepared from the commission's records to refute charges that the cheapest of the three grades of stone being used had come in the largest proportion.

Forty-two cars each of the highest two grades were received for the third section, it was stated, while only forty-two cars of the cheapest stone was used. The cubic footage of the three was about equal, 33.1 percent of the fine grade being used; 32.8 percent of the standard, or medium quality and 34.1 percent coarse grain.

In the second section, two divisions of stone were being used, only select 75 cent stone going on the interior walls. Of the 47,215 cubic feet of exterior stone, 15,729 was fine grain, 15,749 medium and 15,727 coarse.

On the first section, the stone was bought cut and installed in the walls, but the wall surfaces are computed to contain about equal proportions, with possibly more of the fine grained material.

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multaneously with the presentation of his statement at the meeting, the state engineer gave it to the press, the outcome being the legislative investigation of 1923.

Compliments Commission.

Queried as to his opinion of the commission's working, Mr. Bryan said: "I never recall coming in contact with a group of three men who were more sincere, showed more ability, or devoted more time to every detail of a project than those men did. I was agreeably surprised at the knowledge and the grasp they had of what was going on here." He said there was no clash except an exchange of opinion and no division of feeling.

Several exchanges of remarks between Mr. Bryan and Attorney Sandall took place. He claimed that the enlargement of plans was not made during his administration, but defended the position of Governors McKelvie and McMullen in approving of it.

"There were no leaks, and no complaints during the Bryan administration," he declared. Asked if the terrace had begun to crumble during his term, he said: "No, but a good many things have happened since then."

The former chief executive said he directed Clerk of the Works Younkin, during Mr. Goodhue's absence in Europe, to report to him on any defective material.

He gave an instance of the superintendent reporting to him two stones that were "doctored" with mortar. The Henry Strubble Stone company was immediately notified that if any more such material was received, their contract would be cancelled. Bryan said he showed sections of the "doctored" stone to newspapermen, who published accounts of it.

Johnson a Subordinate.

"Did you give that out like Johnson released his statement?" Mr. Sandall asked. "No," answered Mr. Bryan, "Johnson was a subordinate, instructed to report to his chief, while the governor is responsible in such matters."

Witnesses were called by Mr. Johnson in an attempt to prove that contracts were not let to the lowest bidder by the commission, it was charged. Mr. Bryan said that such witnesses not only refused to be sworn, but did not give their names and based their testimony on rumors. In every case but one small job it was shown that the rule was adhered to, he asserted.

That Johnson signed the refutation of his own charges brought before the capitol commission was the declaration of the former executive. He further claimed that the state engineer presented the same charges to the legislature on the day he withdrew from the commission.

Mr. Bryan said he could not see how Johnson could claim fraud in the stone contracts, when he approved them himself. Records show the state engineer approved the claims, it was stated.

Says Contract Not Closed.

That the Strubble contract is not yet closed and that he believes the commission is holding it open to find a good reason for the refund to the stone company was the theory advanced by Mr. Johnson. He expressed the opinion that they still believe they paid more than a fair price and wish to correct it.

F. L. Meyers representing

Journal April 16, 29

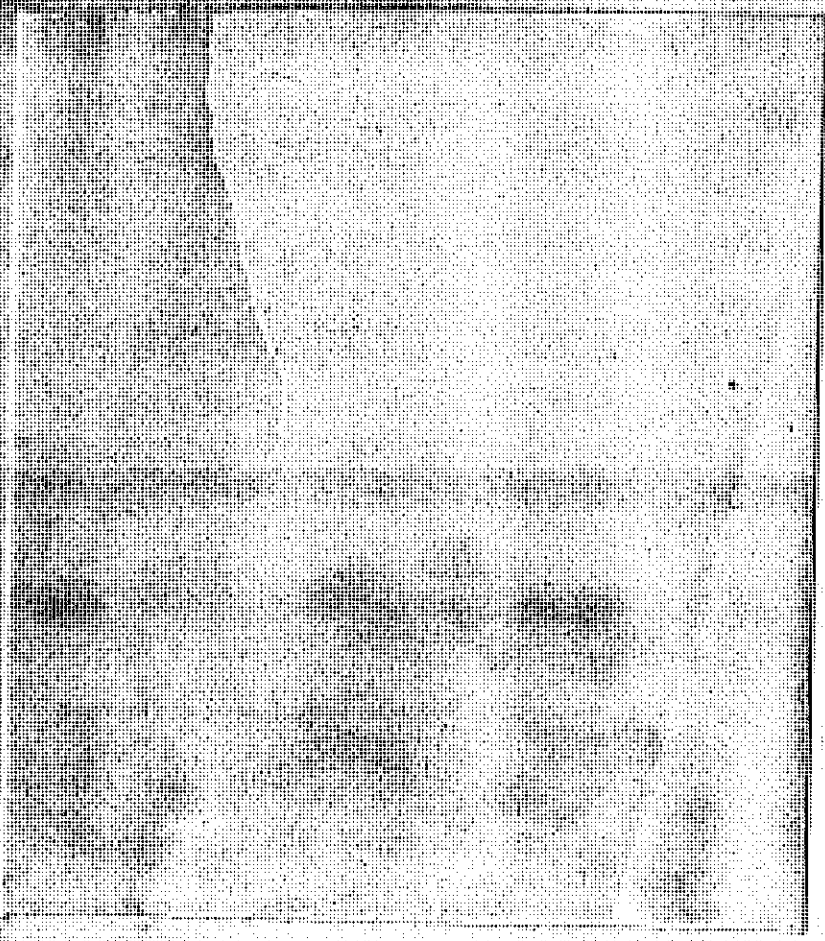
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Feb

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Cochran on cost
of capital

NEBRASKA LEGISLATIVE
REFERENCE BUREAU



COCHRAN ESTIMATES CAPITOL TOTAL COST *As of April 6, '29* STRUCTURE SHOULD COST LESS THAN \$9,750,000.

Landscaping Something for After Consideration and Not Chargeable to Construction.

R. L. Cochran, state engineer and a member of the state capitol commission, on the witness stand before the committee investigating state capitol cost and construction, said Tuesday morning that the completed capitol should not cost more than \$9,650,000, and at the outside should be held with \$9,750,000, after caring for the terrace wall and floor repairs. In this he indulged in some argument with Attorney Sandall for the committee, who said it was his opinion that it would cost between ten and twelve millions. Mr. Sandall said he was not arguing that it ought not to cost that much; that it might be perfectly proper if it did reach the high figure indicated if the state gets the worth of its money, but that he was certain it would cost more than ten millions.

Mr. Sandall and Attorney Cline for the architects engaged in a rather prolonged controversy over this, Mr. Cline contending that Mr. Sandall was testifying and Mr. Sandall claiming he was expressing an opinion.

Mr. Cochran told of the existence of a committee which has under consideration the matter of landscaping and said that at no time

Continued on Page 10.

had it ever been brought out that there was any intention of securing more land beyond the land needed directly to the north of the capitol, Mr. Cochran said it was not yet determined who should pay for this land, the city or the state. It had been proposed that a state memorial park be developed north of the capitol and made a part of the capitol setting, but no consideration so far had been given as to where the money will come from.

Supervisor of Construction Younkin, who has held the place since April, 1922, on the stand, said he had been selected by the architects and employed by the commission. He had built buildings in Los Angeles, in Arizona and had eight years experience in New York city under Mr. Goodhue. He has been employed in seeing that plans and specifications were followed, and whether material brought out was up to specifications. The bearings had been sent down to sand rock, the sand rock surface had been inspected and tested, and he described the piers on which the building rests. He had inspected all gravel, some steel work had been held up for inspection, some brick had been rejected because of quality and color; had inspected every one of the 80,000 rivets on the tower and some had been replaced. The same inspection had been given all steel work. Stone is being rejected almost every day. Cement floors had been rejected after being laid. Forty-five thousand panes of glass had been inspected. Some of the glass was rejected. Bronze grills, made in Milwaukee, were shipped back and refinished before acceptance. Finish on all vault doors in the first section was rejected because the distributor had put his name on the outside of the doors. Doors, locks, hinges, etc., were inspected and some changes offered. Plumbing had been tested. Stone anchors had been rejected because of improper galvanizing. Basement window casings in the first section were rejected. Where rejections were made the contractors stood the loss. Lighting fixtures for second section did not match and were sent back. They were replaced. He had worked seventy hours a week. Superior cement had been inspected at the Nebraska mill. The material that had gone into the building was as nearly perfect as it is humanly possible to get it.

Harold Baugh, an engineer, had superintended the erection of the pillars. Mr. Younkin had watched the erection of all the pillars and

might happen had been given. Mr. Younkin was not alarmed about cracks in stone in the southeast quarter of the rotunda. The breaks indicated no wall movement.

Mr. Younkin said Mr. Johnson as state engineer had sent two inspectors on the work. He was glad to get them as he needed help, but he had not asked Mr. Johnson for them. Mr. Johnson had not consulted him about this help.

"Your memory is very bad," said Mr. Johnson.

During a recess Mr. Younkin, Mr. Mayers and Mr. Sandall inspected the stone over the word "Harlan." Mr. Younkin said that the stone showed three insects, and that it should have been rejected. He had not seen it before.

Cross examined again by George Johnson, Mr. Younkin said that it was impossible to get decorative marble pillars in absolutely sound pieces. Two carloads of stone were taken out of the wall after Mr. Bryan's inspection. Some of the stone taken out conformed to requirements. A discussion of Indiana lime stone quality followed. It was brought out that stone taken out of the walls tested less than 4,000 pounds. Mr. Younkin said Mr. Goodhue desired the coarser texture of stone, which tests less.

State Engineer Cochran was called. He had served in that place since Mr. Johnson had resigned in 1923. Examined by Attorney Cline, he said the increased cost in the construction of the capitol was due to increase in building costs. In 1925 the legislature placed the cost at \$9,000,000. Since that time the cost of unconstructed portions has been made more definite. He thought the capitol would cost \$9,650,000, the heating plant to cost \$216,000. He was certain it would not exceed \$9,750,000. Items yet to be included are landscaping \$100,000; furniture, \$200,000; mural paintings, \$100,000; marble corridors, \$100,000; completing the fourth section, \$300,000.

The cost of the building to and including the third section, which is the tower, will be about \$8,050,000.

The legislature of 1925 extended the authority of the commission and gave it power to build a heating plant.

Mr. Mayers said the change from steel to bronze window frames for the tower had cost an additional \$150,000.

Mr. Sandall said he was not yet ready to amend his estimate that the capitol will yet cost between \$10,000,000 and \$12,000,000.

Mr. Cochran thought land to the north might be acquired for a state memorial park, and if that is yet to be considered a part of the cost of the capitol construction the cost will exceed \$10,000,000.

Mr. Cline said the legislature of 1925 had authorized a \$9,000,000 building and that is practically what has been done. The marble corridors have been added since the estimate was made.

Mr. Sandall said it was up to the commission to insure the committee that the building will cost no more than the estimate.

Mr. Cochran said he considered that the commission drove a good bargain with the architects. Relations had been satisfactory and performance had equalled expectations. The terrace trouble was traceable to lack of maintenance

stood the lo's. Lighting fixtures for second section did not match and were sent back. They were replaced. He had worked seventy hours a week. Superior cement had been inspected at the Nebraska mill. The material that had gone into the building was as nearly perfect as it is humanly possible to get it.

Harold Baugh, an engineer, had superintended the erection of the pillars. Mr. Younkin had watched the erection of all the pillars and the pillar which Mr. Johnson had said was broken in two, had been raised in one piece, with a ring around the top, from which its weight was suspended.

Mr. Younkin has had assistants, the commission has aided much, and Mr. Hardy especially has given much time and valuable assistance.

Mr. Younkin said he had examined the Lincoln postoffice building and had found on the east and north sides a number of broken stones. The breaks had been from different causes.

The stone in the first and second sections was set by the Weise company, also contractors on the post office building. The Peter Kiewits & Sons company has the stone setting contract on the third section.

Mr. Younkin was questioned by Mr. Sandall as to his qualifications. He had spent seven years in an architects office before going into Mr. Goodhue's office. There he worked eighteen months on the plans for this capitol and had desired to see the work thru, and was selected as supervisor. Copies of all his reports are on file in the commission's office. He had taken post graduate work at Columbia university.

Mr. Younkin said he had found the stone was satisfactory and the complaints came from other sources than from himself. One stone, Mr. Sandall said, over the name of Harlan county, had been patched, and Mr. Younkin said if such a stone had been placed there it had escaped inspection. Mr. Younkin said such stone should not be used.

Mr. Mayers said of a defective stone was in the wall, if such had escaped inspection, it would be replaced without cost to the state.

Mr. Sandall said he desired to develop whether the state had been protected by proper inspection. Mr. Younkin said he had desired to assist Mr. Sandall in this.

It was shown that the heating plant on the grounds had done much to discolor the walls of the building.

Mr. Younkin said stone in the wall might have been broken by stress and from other causes. Plans had been made to care for expansion in the terrace floor. Maintenance of the terrace was the cause of the damage. It was brought out that the land commissioner and the governor in the past had been responsible for maintenance. Lack of maintenance had been the cause of damage.

Mr. Younkin thought the defects in the marble pillars had been caused in their finishing. The knife had brought out the seams below the surface. The marble in the library is as good as it is possible to get.

Mr. Johnson cross-examined Mr. Younkin. He questioned about lack of maintenance being the cause of terrace deterioration, and brought

what has been done. The marble corridors have been added since the estimate was made.

Mr. Sandall said it was up to the commission to insure the committee that the building will cost no more than the estimate.

Mr. Cochran said he considered that the commission drove a good bargain with the architects. Relations had been satisfactory and performance had equalled expectations. The terrace trouble was traceable to lack of maintenance and possibly to design.

The Shricker Electrical company bid for electrical appliances could not furnish a bond because he had made an error in his bid. In a latter bidding this bidder was low and secured the contract.

He referred to the cracked stone in the central rotunda. This might be caused by the vibration in the erecting of the steel work above. That was a guess but this was as good a guess as any other.

Mr. Cochran said in the basement of the capitol is a lot of maintenance appliances that will require from now on expert attention and maintenance.

Judge Thompson said the custodian of the building should have proper qualifications to look after the building as well as machinery.

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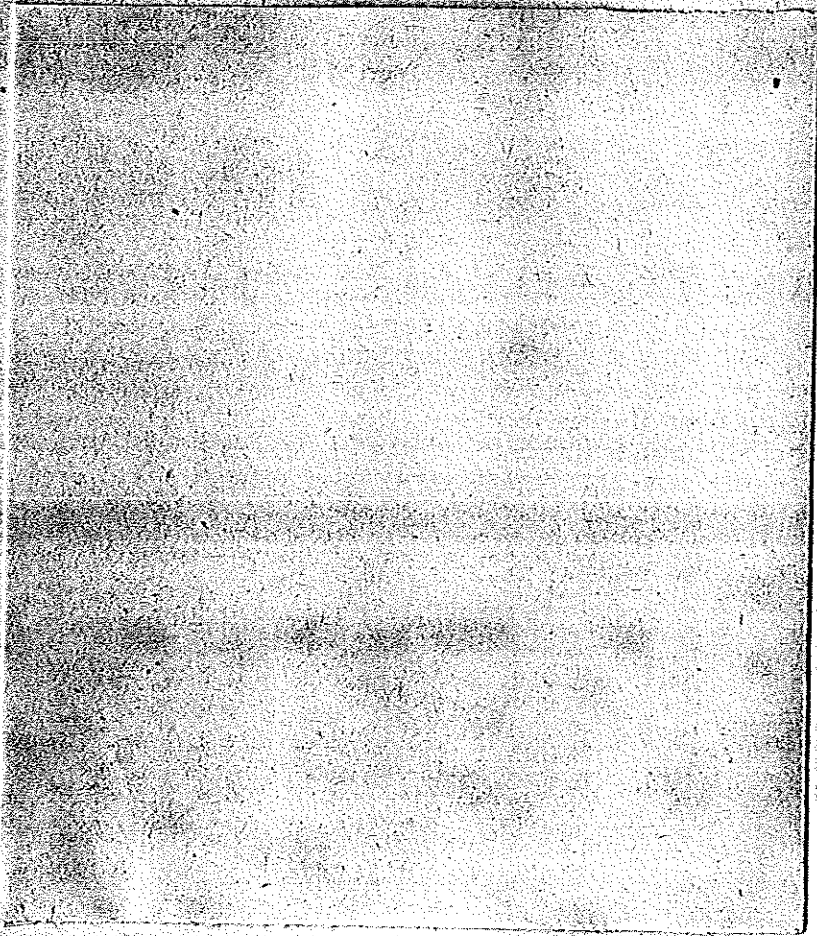
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World-Herald, April 17, '29

Kimball on
Capitol probe

NEBRASKA LEGISLATIVE
REFERENCE BUREAU



'SPLENDID JOB' CAPITOL EXPERT SAYS OF STONE

W. N. Kimball, April 17, '29
Technical Advisor to Committee Says State Owes Debt to Architect.

INQUIRY CONCLUDED; PLAN EARLY REPORT

(By a Staff Correspondent.)

Lincoln, Neb., April 16.—Unexpectedly, and with the air of a last day of school, the capitol investigating committee tonight concluded its hearings by listening to testimony of A. H. Kimball, its own expert, that the state of Nebraska in his opinion "owes a great debt of gratitude to Bertram G. Goodhue for having given it such a marvelous and world-famed building as the new capitol."

Mr. Kimball is the head of the college of architecture of Iowa State college at Ames. He was employed by the committee as an eminently qualified expert who would be entirely unbiased in his findings, and he has been in Lincoln nearly two weeks making a study of the building.

The committee is expected to make its report in a few days. Instructions of the legislature were for a report before adjournment, which is expected at the end of this week or early next week.

The range of Mr. Kimball's testimony covered every point which was questioned in the charges filed by George Johnson and Fred Carey, and it included also a general estimate of the building.

Only Five Stones Doctored.
He said that the stone used in the building was all of No. 1 grade and that of the 200 thousand stones, used in the wall of the building thus far, only five had been found to be "doctored."

The stonework as a whole, he said is a "splendid job," with a "beautiful coloring." The few cracks and loose joints, he said, represented "a condition you can't help."

Regarding the terrace, Mr. Kimball said that, while his first impression "had been one of sadness," he felt that the chief cause of the trouble was improper maintenance and care of building. As his most important recommendation he gave immediate and adequate provisions for the care of the capitol which, he said, had thus far had "no care at all."

Pointing Needed.
"What about the joints in the stone that are loose?" asked Attorney C. E. Sandall. "It is a condition you can't help," answered Mr. Kimball. "The wide joints used here are beautiful in effect but they require more maintenance than narrower joints."

"Does not any stone building have to be pointed every so often?" asked Architect Mayers.

"They most certainly do."
"What about terrace?" asked Sandall.

"I think it certainly would."
"I am glad to hear you say that," said the architect. "I had made provisions for those in my tentative plans for the reconstruction of the terrace at the corners."

Thinks Another Floor Better.
"Would you rebuild the terrace?" asked Attorney Sandall.

"I don't think I would completely rebuild it, but I would provide some other floor for it than the huge concrete blocks you have there now."

Mr. Kimball said that his guess on the cost of repair would be 75 thousand dollars. "However, that is only my guess, I haven't figured it accurately and my guess is probably not better than Mr. Mayers' estimate of 49 thousand dollars."

The "huge" concrete blocks in the floor of the terrace, it was testified by several witnesses at the hearing, were a departure from Architect Goodhue's original plan, a departure made in the interest of economy. Goodhue at first designed a tile or a flag floor for the terrace.

Kimball promises to provide a detailed recommendation on this matter in writing for the committee before any finding is made.

"What about the marble pillars?" he was asked by Attorney Sandall.

Cannot Meet Specifications.
"I think they are beautiful examples of the materials of which they are made. The marble wainscoting in the library I believe to be the most beautiful example of that kind of decorative marble in existence."

"Are they up to the literal specifications of the contract," asked Attorney Sandall.

"No sir, they are not. If one was inclined to stick literally to the letter of the law, not one of the pieces could have been accepted. This kind of beautiful decorative marble does not fall under the letter of the specifications of the contract."

"What about the decorations in General?"
"I think that you have a wonderfully satisfactory result, regardless of cost."

Basement Given Praise.

"What about the utility of the building?"
"I think that the plan was very admirably conceived from the standpoint of utility. From all standpoints of design this building is a very satisfactory one. I think that the capitol commission is to be congratulated on the basement, as a most happy disposition of the problem of storage, mechanical equipment, and all the uses that a great basement like this fulfills. In fact I find few things to criticize, and those of a very minor nature in comparison with the extensiveness of this project."

"The greatest complaint that can be made is that this building has not been maintained as it should have been. On our campus at Ames the buildings, I suppose, would about equal this building in investment, and we have an annual appropriation of from 75 to 100 thousand dollars for maintenance."

"Even at that our superintendent is always complaining that he does not have enough. Besides, there is the usual annual depreciation of about 2 per cent that everybody figures on a building and that would amount, in this case, to 180 thousand dollars a year. In view of this it hardly seems fair to expect, on a beautiful building like this, to be able to get along without any maintenance money at all."

Marble Better than Specified.
"Is the marble we received," asked Representative Hasselbalch, "in your opinion, worth more or less than if it had fulfilled the specifications to the letter?"

"I certainly think it is worth a great deal more than the kind of marble the specifications provided for."
"Would you advise removing any of it?"
"I most certainly would not."
"What about the guseffino tile?"
"If you are looking for acoustic tile there is only one place to go and that is to get guseffino tile."
"If you were a taxpayer of Nebraska," asked Hasselbalch, "would you decry the condition of this building, or would you be proud of it?"

"If I were a taxpayer of Nebraska," answered Prof. Kimball, "I would be pretty sore if anyone were to criticize it adversely. The state of Nebraska has something here which is not only known as a masterpiece in this country, but abroad. It is one of the best original, and one of the finest things done in the architectural world for a century."

only three men to take care of the inspection? I can't understand why it would not be many more. You know the stone men can do such a perfect job of repairing these stones that it is almost impossible to detect it when they are new," he answered.

"Do you think that Mr. Goodhue got the state the worth of their money in these marble columns he bought for the north entrance?" asked Attorney McNeny.

"If you don't like them," answered Kimball, "you ought to sell them. You can get much more for them than Godhue paid."

Previous to Kimball's testimony Judge W. H. Thompson of the state supreme court, member of the capitol commission for 10 years, told about sacrifices made by the members of the commission, financial and personal, over a long period of years in their devotion, without pay, to erection of the new capitol.

Thompson Takes Stand.
"When the 1923 investigation was called," Judge Thompson said, "I was in California because of my wife's health. I paid my own expenses back here and to California again, and my expenses while I was here over quite a long period, out of my own pocket because I did not want to bring any suggestion of criticism against the commission."

"I think Goodhue was a lovable character, a man very temperamental but not the least vindictive. I recall that, he and Mr. Head had many fiery arguments and clashes, but they always parted friends. He had this building a monu-

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"Does not any stone building have to be pointed every so often?" asked Architect Mayers.

"They most certainly do." "What about terrace?" asked Sandall.

My first impression of the terrace," said Kimball, "was one of sadness; sadness to think that the proper engineering phases had been overlooked to some degree. But my second impression, after some detailed study, was that lack of care and maintenance, allowing the dirt and debris to accumulate in the expansion joints and to bring about crystallization of expansion material with which the joints are filled, together with opening up of cracks into which water seeped and froze in cold weather, was largely responsible for the trouble. I think this was most unfortunate."

Approves Terrace Design.

"Do you think the design of the terrace was satisfactory?" "I think it was designed all right, but I think it would have been better if allowance had been made for a maximum of expansion. I think that the suggestion to replace the large concrete slabs of the terrace floor with tile, or some other smaller stone which would give more expansion space would make a great improvement. Under normal conditions the slope of the terrace floor provides enough drain, but under abnormal conditions it is not enough."

"Would it help to have latticed drains in the side of the parapet wall?" asked Architect Mayers.

(Continued on Page 5, Column 1.)

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ment to him.

"Governor McKelvie and I served on the commission for four years together. I was always connected with democratic politics in the state and he with republican politics. We both worked together with a love for this great building. We trusted the architects completely not only Mr. Goodhue, but Mr. Mayers and Mr. Younkin.

"I moved, on the first organization, that Governor McKelvie be made chairman, because I knew he was closest to the people. I moved that Mr. Johnson be made secretary, because he was next closest to the people. I want to say this for all of the governors I have served under, they were all devoted to this building. The capitol will be all right. Its reputation can defend itself."

Younkin Tells Tests of Capitol Material.

W. L. Younkin, clerk of the works at the state capitol, this morning told the legislative investigating committee of the inspections to which all material used in the building is subjected.

Replying to charges of C. A. Sandall, attorney for the committee, and former State Engineer Johnson, chief accuser, that practically no material was rejected, Younkin said:

That brick had repeatedly been rejected because it was soft, light-colored or over-burned.

That all steel was given a shop inspection at Omaha and another inspection on the ground.

That 30 thousand rivets in the tower alone had been gone over and hundreds rejected.

That stone had been rejected from day to day, for seams or porosity, and that two carloads had been sent back.

That some slate was rejected. That several cement floors had been ordered torn up because clay in the gravel lowered the quality.

That 45 thousand panes of glass had been graded, the best being placed in windows at ground-level.

Jeweler Makes Test.

That bronze grills had been sent back because they were not finished quite as specified.

That steel work had been uncovered and repainted because it was not covered with red lead.

That all vault doors had been refinished because they did not comply with specifications.

That hardware had been returned to the maker because it was stamped, not engraved. (Examination by a jeweler was necessary to prove this.)

That all pipe and radiators were tested for material and pressure.

That all casement windows were rejected, much to the displeasure of the manufacturer, and later refinished.

Fixes Cost at \$9,750,000.

That lighting fixtures in the second section were rejected because they varied slightly from those in the first section.

State Engineer Cochran was called to the stand to give an estimate of the cost of the capitol

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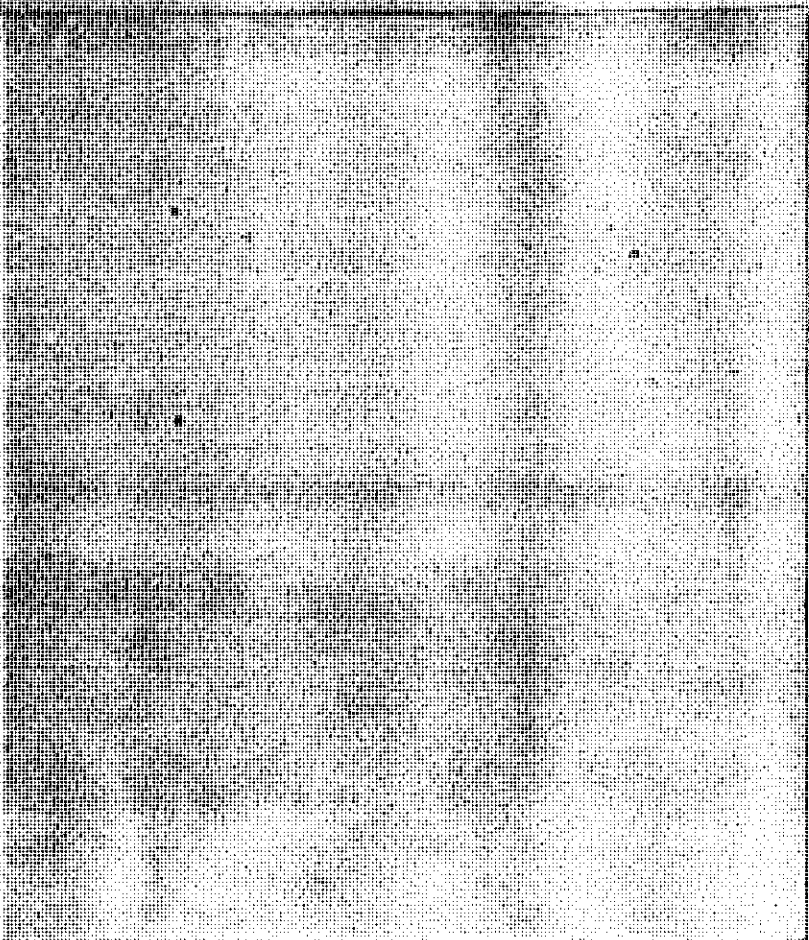
Journal April 17, 1929

Feb

#251

Capital police

NEBRASKA LEGISLATIVE
REFERENCE BUREAU



CAPITOL PROBE CLOSES; EXPERT LAUDS BUILDING

Low April 17, 29
Kimball Says Few Small
Defects Not Worthy
of Mention.

PRAISES GOODHUE HIGHLY

Engineer - Architect Makes
Repairs Estimate—Must
Report Its Findings
This Week.

"I think Nebraska owes a great debt of gratitude to Bertram Goodhue for a wonderful building and magnificent decorations," declared Allen H. Kimball, professor of architectural engineering at Iowa state college and expert advisor of the legislative committee inspecting alleged defects in the capitol, at the final hearing Tuesday afternoon.

"The few defects discovered are of such a minor nature considering the extensiveness of this plant that they are not worthy of mention," said Mr. Kimball. "I am only sorry that these mistakes have been averted."

The joint house and senate committee concluded the examination of witnesses with the testimony of Secretary Cochran of the department of public works, Judge W. H. Thompson, member of the capitol commission, John M. Alexander, Lincoln contractor and builder, and Mr. Kimball, hired at the beginning of the investigation a week ago as engineering counsel.

Mr. Kimball and Lester M. Buckley, Lincoln accountant, will assist in making up the committee's report, which must be submitted to the legislature some time this week.

Stones "Splendid" as a Whole.
Stone of No. 1 grade went into the capitol, altho it was of three textures, the Iowa architect stated. He added that some of the stones would have been better if not so coarse.

He discovered a small number of stones that were of doubtful quality, but saw five in the building that in his opinion had been "doctored." The stone work as a whole was classified as "splendid," with

Continued on Page 13, Col. 1.

the comment that there was "interesting jointing to give the proper scale."

"It is unfortunate that in a building of this monumental character such a condition should exist," Mr. Kimball said when questioned as to the cracked stones just west of the main north entrance.

Mr. Kimball asserted that the terrace walls were in an "unfortunate and sad condition" because, he thought, improper provision had been made for expansion. He thought the general design was satisfactory, but that the maximum

Instead of minimum space should have been allowed for expansion.

Makes Repairs Estimate.

In rebuilding the terrace, Mr. Kimball said he would use the stone in perfect condition and adopt a different form of surfacing than the present gravel floor. He had not thoroly gone into the matter of repairing and replacing the

walls and floor, but estimated that it would cost \$75,000.

Mr. Kimball heartily approved the suggestion of F. L. Mayers, representative of the Goodhue associates, of building a floor of tile flagging. He said the more expansion joints obtained the more satisfactory and permanent floor would result. He admitted that without extensive figuring his estimate of rebuilding cost could be only a guess.

"The marble pillars in the building are beautiful examples of the kind of material they represent, tho they do not meet the specifications," Mr. Kimball asserted.

"Are there, in your opinion, any slabs of marble in the library that should have been rejected or now removed?" queried Attorney Sandall, representing the committee.

"If they had kept strictly to the letter of the law, not a square inch of that material should have gone in the building," Mr. Kimball answered, "but in view of the fact that no marble of that variety is without flaw it is beautiful material."

"Plan Admirably Conceived."

Asked as to whether he thought the state had received its money's worth on the building, Mr. Kimball answered "I can only say that a very satisfactory result has been obtained, regardless of cost. From a utility standpoint the plan was admirably conceived for the purpose of housing the offices of state government."

He congratulated the capitol commission on providing in the basement a plan so satisfactory in storage and vault space and accessibility to machinery.

"The greatest problem lies in how to correct certain defects that have developed on account of neglect and lack of funds rather than in the architect's plans," the engineer declared.

Referring to inadequate maintenance as a factor in the development of defects, Mr. Mitchell cited a comparable case where \$180,000 a year provided was thought too small an amount by the superintendent of construction. Declaring that annual depreciation on a building of the size of the Nebraska capitol amounted to 2 percent, he said that it was not fair to let the structure go without proper maintenance.

"When you think about aesthetic appearance, you got much more than the specifications called for in the marble," Kimball asserted. He said he would remove none of it. In his opinion, the state got its money's worth on the Gustavo and acoustic tile in the building, since there is no substitute.

In answer to a query of former State Engineer Johnson, the Iowa engineer said he did not believe any of the columns were broken in two.

"The state of Nebraska has done something here that is looked upon the world over as one of the few examples of creative art brought out during the century," declared Mr. Kimball.

Cochran Takes Stand.

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let, and that it was proper business with the U. S. Fidelity and Guaranty, it being one of the largest firms of its kind. "In respect of Head's connection with the contractors who obtained the bonds," he said.

"Dirty Aspersions."

Representative Hazelbalker, the house committee demand Johnson "Is this an attack on Walter Head you are trying to make?" "No," Johnson declared.

"Certainly it's an attack," he shouted Mr. Cline, "and in form of a lot of dirty aspersions."

In answer to a remark by representative Burr that the decision seemed to be getting far the question of the capitol building, Johnson said he was bringing "something the attorney general may use." Attorney Mc declared that "the trouble is the attorney general hasn't used what he could have in the past."

Alexander Observes.

Mr. Alexander was called by Attorney Cline to detail his observations as a contractor and builder of the work as it went on. A witness said that, living directly across from the site of operation at Sixteenth and J streets, he had a keen interest and from the beginning was impressed with the initial tests conducted by Professor Roy of the university to determine how great a load the clay soil could carry. It was found, he said, that it would take 100 tons to the square foot before it broke down. The ground under the capitol building tested he said.

He told of the building foundations by pouring concrete prepared with carefully weighed and measured materials into well holes which extended into bed rock. The consulting engineer for the foundations were the greatest, he said.

Retracts Statement.

When Judge Thompson called, Mr. Johnson rose and said that he did not think it proper to swear a judge of the state supreme court.

"The first day you objected Judge Thompson saying a because he was not under oath," declared Mr. Cline. "I made that remark," Johnson retorted.

The judge said he had never been in Nebraska since June, 1881. His appointment to the capitol commission by Governor McKelvey was a surprise, but he stated he accepted it almost without hesitation.

He spoke for himself and for members in that they, to avoid criticism thru ill will or other charged little of the actual incurred in the performance of their duties to the state, serving without pay. Judge Johnson made a trip from Chicago and back at his own expense to attend the legislative investigation in 1923. A commission trip to New York was made at individual expense because some of the members attended the democratic convention.

Not wishing to be the state's lawyer to the extent of assuming all responsibility, Johnson said he insisted that all

walls and floor, but estimated that it would cost \$75,000.

Mr. Kimball heartily approved the suggestion of F. L. Mayers, representative of the Goodhue associates, of building a floor of tile flagging. He said the more expansion joints obtained the more satisfactory and permanent floor would result. He admitted that without extensive figuring his estimate of rebuilding cost could be only a guess.

"The marble pillars in the building are beautiful examples of the kind of material they represent, tho they do not meet the specifications," Mr. Kimball asserted.

"Are there, in your opinion, any slabs of marble in the library that should have been rejected or now removed?" queried Attorney Sandall, representing the committee.

"If they had kept strictly to the letter of the law, not a square inch of that material should have gone in the building," Mr. Kimball answered, "but in view of the fact that no marble of that variety is without flaw it is beautiful material."

"Plan Admirably Conceived."

Asked as to whether he thought the state had received its money's worth on the building, Mr. Kimball answered "I can only say that a very satisfactory result has been obtained, regardless of cost. From a utility standpoint the plan was admirably conceived for the purpose of housing the offices of state government."

He congratulated the capitol commission on providing in the basement a plan so satisfactory in storage and vault space and accessibility to machinery.

"The greatest problem lies in how to correct certain defects that have developed on account of neglect and lack of funds rather than in the architect's plans," the engineer declared.

Referring to inadequate maintenance as a factor in the development of defects, Mr. Mitchell cited a comparable case where \$180,000 a year provided was thought too small an amount by the superintendent of construction. Declaring that annual depreciation on a building of the size of the Nebraska capitol amounted to 2 percent, he said that it was not fair to let the structure go without proper maintenance.

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In answer to a question by Johnson, Mr. Cochran contended that the men would be fair as individuals, regardless of the stand

let, and that was proper to do business with the U. S. Fidelity and Guaranty, it being one of the largest firms of its kind. "Irrespective of Head's connection, it was the contractors who obtained the bonds," he said.

"Dirty Aspersions."

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He told of the building of the foundations by pouring concrete prepared with carefully weighed and measured materials into round well holes which extended into bed rock. The consulting engineers for the foundations were among the greatest, he said.

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When Judge Thompson was called, Mr. Johnson rose to ask that he not be sworn, claiming that he did not think it proper to swear a judge of the supreme court.

"The first day you objected to Judge Thompson saying anything because he was not under oath," declared Mr. Cline. "I may have made that remark," Johnson admitted.

The judge said he had resided in Nebraska since June, 1881. His appointment to the capitol commission by Governor McKelvie came as a surprise, but he stated that he accepted it almost without hesitation.

He spoke for himself and other members in that they, to avoid criticism thru ill will or otherwise, charged little of the actual expense incurred in the performance of their duties to the state, even tho serving without pay. Judge Thompson made a trip from California and back at his own expense to attend the legislative investigation of 1923. A commission trip to New York was made at individual expense because some of the members attended the democratic convention.

Not wishing to be the commission's lawyer to the extent of assuming all responsibility, the judge said he insisted that all contracts be submitted to the attorney general's office.

"Mr. Goodhue was one of the

mate of cost, the commission took the specifications to a quantitative survey company, which they paid \$12,500 to compute the amount of each class of material needed, the former state engineer stated. Two competent contractors figured the total amount at current prices.

He declared that he suggested that the building be finished without the tower, final construction to wait until money was available. With such plans, the original appropriation could have been stayed within, he claimed.

Johnson quoted from the index of an official paper of the national general contractors' organization to the effect that \$1 of building cost in 1919 increased to \$2.47 in 1920, dropped to \$2 in 1921, to \$1.85 in 1922, and after 1923 remained at approximately \$2.

Few Bidders.

"But one thing, to my mind, accounts for \$2,000,000 of the increase," Johnson asserted. "There were not enough bidders. I think the men who bid boosted their figures and paid the others not to bid. Another factor was that the specifications were drawn so close and fine that few men could bid."

"How do you explain the fact that every expert on the stand has said that we were getting 100 cents on the dollar?" queried Judge Thompson.

"If they were right, the quantitative survey was wrong," Johnson said. "They were attempting to justify a condition that existed."

"Are you presuming that every witness but yourself was dishonest?" Johnson was asked by Mr. Cline.

I. W. Jacoby, self styled "lobbyist for the common people" in the legislature, declared he wanted to be heard at the close of Architect Kimball's testimony. Chairman Kryger of the committee said that the rules were that written charges were supposed to be filed with the committee by all complainants.

"There have been no taxpayers on the stand that I know of," was one of Jacoby's statements which provoked mirth from the onlookers. "We not only represent the taxpayers, but are directly responsible to them," declared Representative Burr, "and we do not want this hearing to continue indefinitely."

Jacoby charged that "this capitol is the greatest deception ever practiced on the taxpayers of the state, and the side of the man who is paying for it has not been represented."

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At the opening of Secretary Cochran's afternoon testimony, Mr. Johnson said he did not consider the architects who testified at the other hearings disinterested witnesses.

In answer to a question by Johnson, Mr. Cochran contended that the men would be fair as individuals, regardless of the stand taken by the American Institute of Architects, that the defects charged were minor ones.

Mr. Johnson said he had information to the effect that contracts on the capitol had been removed from the department of finance office at the close of the Bryan administration and have not been received there since for a check with the claims.

"We have a state auditor, elected by the people, to check upon claims, and the department of finance was set up to be a double check. Other departments must submit certified copies of all contracts, but neither of these offices has had copies of the contracts on this building."

Charges Against Head.

The fact that the members of the capitol commission are not under bond was criticized by the former state engineer. "I do not see any reason why the commission should be treated any differently than other state departments," he declared.

The bonds for the Henry Struble, J. H. Wiese and Peter Klewits & Son contracts were exhibited by Mr. Johnson, who pointed out that they were written by the U. S. Fidelity and Guaranty company. "Mr. Abrahamson, signer of one of the bonds, is connected with the Omaha Trust company, of which Walter Head is a member of the board of directors," Johnson asserted. He later contended that Mr. Head also is connected with the company which wrote the bonds.

"I bring this out," Johnson stated, "because it has been inferred here that Mr. Head came to the commission as a sort of missionary, and it looks to me like he profited in two ways. The laws of our state prohibit any officer from profiting from the public funds at his disposal."

"I want the committee to judge as to Mr. Johnson's fairness in indiscriminately making attacks on public officials," said Earl Cline, Lincoln attorney representing the architect. He brought out that four bonds were read and the attorney in fact on only one cited. The Struble bond was signed by O. W. Palm of Lincoln and those for section 1 and 3 by W. A. Sinclair of Omaha.

"Do you know whether or not the U. S. Fidelity and Guaranty company had been writing bonds for the J. H. Wiese company for a number of years?" Mr. Cline asked Secretary Cochran.

"Mr. Wiese told me they had," the state engineer answered. Mr. Cochran later determined that the same condition existed with relation to the Klewits company.

Attorney Cline said the Omaha Trust company took the agency

their duties to the state, even though serving without pay. Judge Thompson made a trip from California and back at his own expense to attend the legislative investigation of 1923. A commission trip to New York was made at individual expense because some of the members attended the democratic convention.

Not wishing to be the commission's lawyer to the extent of assuming all responsibility, the judge said he insisted that all contracts be submitted to the attorney general's office.

"Mr. Goodhue was one of the most lovable men I have ever met," Judge Thompson declared. "Excitable, easily touched, he never showed evidence of a vindictive nature. Nothing kept him from giving his best to Nebraska."

Commission United.

The supreme judge asserted that the whole work of the commission was as the work of one family. "I never associated with men of a higher type," he said. "I gave my implicit trust to every one of the group I worked with, including the Goodhue associates and Mr. Younkin."

He said he endorsed everything Mr. Johnson did until the filing of claims against the commission.

It was stated that the question of maintenance has been an important one as the capitol neared completion. Judge Thompson expressed the belief that a separate appropriation should be provided, "with a man big enough to handle the job."

In rebuttal testimony, Mr. Johnson said that the principal enlargement of the building over original plans had been made by the addition of the basement. About 300,000 cubic feet were added by the fourteen increase in length and width effected.

He stated that original plans called for a spread foundation, but that with the counsel of Professor Mickey, it was decided that moisture would cause settling of such an underpinning.

In arriving at the \$5,000,000 esti-

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NEBRASKA LEGISLATIVE REFERENCE BUREAU.

CAPITOL COMMITTEE TOURS THE BUILDING
11:4 April 18, 29
Probe Body Watches Workmen Laying Stone—Inspect Basement.

POWER USE SURPRISES

(By a Staff Correspondent.)
Lincoln, Neb., April 17.—The capitol investigating committee of the legislature had its eyes opened this afternoon when it made a two-hour tour of the building from the basement to the top of the tower. The tower is not yet open to visitors.

When the members of the committee, including Judge Sandall, special counsel, had gone through the immense basement, seen all of the construction there and all of the machinery and mechanical equipment, and then plodded story by story up to the heights of the top of the tower, there were choruses of "ohs" and "ahs" as the immensity of the construction was observed.

"There is no doubt of this being a real 10 million dollar building," several members declared.

Burr Climbs on Steel.
Representative Burr of Juniata, not content with the glorious view from the top of the walls of the tower, as far as they have been built, mounted farther over the steel girders near to the pinnacle, and stood there enjoying the view, which covers a radius of 25 miles.

Other members of the committee were interested in watching the workmen laying the courses of stone and brick at the top. They were able to observe the methods of construction clearly and they said they learned much.

"I've learned more here this afternoon than I could have learned in a month of sitting in that hearing room downstairs and listening to testimony," declared Representative Hasselbalch.

Stair Climb Causes Fatigue.
"If I had an office in this building, I should certainly want it up here in the tower," declared Senator Kryger, chairman of the com-

(Continued on Page 13, Column 5.)

mittee, as he surveyed the large, airy and brilliantly lighted office rooms on the upper stories. "It should be wonderfully cool here in summer, and this view, both winter and summer, should be inspiring to anybody."

Many in the party were nearly fit for the hospital after the ascent and descent of the 14 flights that seemed miles of stairways. Four elevators will eventually carry passengers to the top and to the intervening stories, but these will not be in operation before a year from now, at least, Superintendent Younkin said.

Younkin and Roy Cochran, state engineer and secretary of the capitol commission, conducted the tour.

"Every member of the legislature ought to see these parts of the building before they leave here," several members of the com-

mittee said. Cochran said that the opportunity would be given all those who care to make the climb. Twenty members climbed the tower with Cochran last week.

Supervision on Purchasing Agent.

All the members of the committee were astounded when, while inspecting the electric transformer room in the basement, Cochran informed them that, when the elevators are running and the building is completed, more current will be used than in the average city of five thousand people in the state.

Motors driving the various mechanical apparatus, such as the ice machine which will furnish refrigeration in all parts of the building, the water pumps, the vacuum cleaning system, the ventilation apparatus, and all the other machinery, will develop a total of five hundred horsepower, Younkin informed the committee.

"Think of all this fine machinery here," exclaimed Representative Hasselbalch, "and no expert to take care of it."

Supervision of the building is now in charge of the state purchasing agent, as a side job. It is

handled by him for the governor, because no funds have ever been

provided for a special mechanically trained superintendent.

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April 19, 1925

APRIL 19, 1925

NEBRASKA'S MASTERPIECE.

"I think Nebraska owes a great debt of gratitude to Horace Gindman for having given it such a beautiful and world-famous building as the new capitol.

"I think that the plan was very admirably conceived from the standpoint of utility. From all standpoints of design this building is a very satisfactory one.

"I find two things to criticize and those of a very minor nature in comparison with the excellence of this project.

"If I were a taxpayer of Nebraska I would be pretty sure if anyone were to criticize it, adversely. The state of Nebraska has something here which is not only better as a masterpiece in this country, but abroad. It is one of the best, most original and finest things done in the architectural world for a century."

This is the verdict after careful examination and study of Nebraska's capitol, recorded by Prof. A. H. Kimball, head of the department of architecture and engineering of the Iowa state college at Iowa. An acknowledged authority, wholly impartial, he was retained by the legislative investigating committee as an expert to serve it in its inquiry.

The verdict of Prof. Kimball does not stand alone. It is the verdict also of every qualified expert witness who has spoken, including such architects as Thomas H. Kimball and Alan Macdonald of Canada, Henry Smith of Lincoln, John Temple of Liverpool and William Fisher of Glasgow. Each one of them, while admitting minor and easily curable defects arising from inadequate drainage of the roof of the main structure, has accorded unqualified praise to the design, the material, the beauty, the utility, the decorations and the workmanship entering into the capitol. It is the verdict, furthermore, of noted masters of architectural critics and experts who have come from all quarters of the world to admire our capitol, and of others who are familiar with it through drawings and descriptive articles that have appeared in innumerable newspapers and periodicals at home and abroad.

The capitol at Lincoln is Nebraska's supreme achievement and proudest contribution to civilization. Its unique beauty and distinction attest the enlightenment and culture of the commonwealth that produced it. It will continue to do so for generations to come. For many years it will be one of the fine landmarks in America that lovers of art and beauty will journey from foreign lands to see.

And it is here. It is our money that has paid for it, our courage and enterprise and generosity that have made it possible. It is here of our hands and flesh of our flesh. Let it stand then to take up to our hearts, to love it and be proud as it has defied its unkind enemies or reckless indifference.

NEBRASKA LEGISLATIVE REFERENCE BUREAU

(over)

Sensational reports have been lately bandied that the little building is already a crumbling wreck, that its tower is about to topple, that it has been shamefully contaminated of rotten materials, and people not only in Michigan but in every state and many lands have read these in earnest and amazement. They have wondered what race of dupes and ignoramuses looked Michigan that they should permit themselves to be so grossly deceived, and pilloried them for having saddled themselves with an frightful an heritage. No one can understand for it is one of the indiscretions—the damage that there has been done our state. And it is so wicked a thing, so wholly inadvisable, so purposeless, that it is not ready to be forgiven. Even were the defects in the capital as great as they are telling, it would be incomparably more, and proper and natural pride would lead us to point to the victims rather than the faults. It is as if a bird that took its own food, and a father that cared for his own family, helped and constructive criticisms be always to be invited. That criticisms that is constructive, better and fair, and applied to a thing of enduring worth and splendid beauty—such criticisms is desirable.

Michigan has produced, as Fred. Kimball says, a masterpiece and has given it a home. We should pay homage to it with regard, try to rob it of its good name, harbor their defacement for purposes, but the masterpiece will still shine in unimpaired glory under our proud skies, constituting its cultural glory. The point is that it will take the truth, we have lost, so long to establish the truth and to show that have been broadcast against it.

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April 19 1937

EXPERT PRAISES GOODHUE DESIGN OF NEW CAPITOL

Kimball Says State Over Architect Debt of Gratitude

State April 17, 1937 Hearing Class and Committee Starts Preparation of Report

Lincoln, Neb., April 17.—(Special to The Associated Press.)—The architect and designer of the new state capitol, a debt of gratitude for the type of building he created, according to Allan H. Kimball, professor of architectural engineering at Iowa State college at the conclusion Tuesday afternoon of hearings into charges of conspiracy and malfeasance in connection with the construction of the building, Mr. Kimball was testifying as an expert witness to the legislative committee conducting an investigation of the charges.

Details of a three nature may have been reported by some news in certain portions of the building, Professor Kimball declared, but these were described "as to a general lack of consideration over the past four or five years."

Commenting the submission of a long list of conclusions he had made, based upon a rigid inspection of the building at the instigation of Attorney General for the day, Professor Kimball said:

"My general reaction is one of regret that a few details of minor nature, scattered here and there, have caused a general lack of maintenance over the past four or five years, which is not unusual. They are not the fault of the architect or of the design, but rather from the lack of care and attention."

"If you were a taxpayer would you keep the building?" Representative Henshaw asked.

"Yes," Kimball answered. "I would be ready now if it was criticized. Our job is, nevertheless, looked upon over the world as a real creative art of the century." In brief, the architect's report for the state building of the which were are interesting discussion of contemporary preferred by George H. Johnson, former state engineer, against the original construction and the directing architect, F. H. E. Meyers, New York, and associates, follow:

Stone used in building was of inferior grade, but of same appearance to feature, some of which the gold might have been better if not for color.

NEBRASKA LEGISLATIVE REFERENCE BUREAU

Thought Five Decided.
Discovery of a very small amount of stone that should not have been used, shows that in making the design, had been "directed" stone work on a whole represents a general job, including building to give proper scale to structure.

General design of north entrance described as "very unimpressive." Disposition of lavatories regarded as probably due to improper care and maintenance. Cost and details permitted to be accumulated. This situation, Mr. Kimball said, "impressed me with a sense that it had occurred."

Design of lavatory was good but improper provision for ventilation, with improper provision for drainage particularly after disintegration of floor.

Recommended remodeling terrace walls, with new stone as in perfect, and would replace floor with material other than marble.

Estimated expense of remodeling floor at \$25,000.

Marble pillars described as great perfect examples of material from which could be made with right company with specifications.

Laboratory working drawings advised immediate examples in substance of type used. To this Mr. Kimball declared that if the letter of the specifications was given to be, and a piece of the five type marble could be used.

But one slab, however, was not, probably due to a defect. Through possibly certain means may not have been sealed with proper seal.

From an artistic standpoint, the architect said the state should start from an artistic given the building.

The, he reported, was very satisfactory regardless of cost.

From a utilitarian standpoint the entire building he described as very satisfactory.

Prize for Completion.
The architect, however, Mr. Kimball reported, reflected credit to the capital construction.

Relative to maintenance, he said a total of from \$75,000 to \$100,000 yearly was found to be necessary to keep up details buildings of the same size and of the capital. "It hardly seems fair and just that a building such as this should be handled without a fund of this sort when a 1 per cent depreciation is recognized yearly."

At the conclusion of his statement, Mr. Kimball was questioned briefly by members of the committee. Representative Henshaw asked in the hallway five state had received more or less than \$25,000 in respect to the method.

"You have a great deal more to look the price and what than the specifications required," Mr. Kimball answered.

"Would the five decided amount

indicate a heavy on the part of the state?" Chairman Kreyer then queried.

"No, \$25,000 amount of cost of it could be paid by state," the witness replied.

Questioned by Johnson.

Mr. Kimball was then queried by the majority of the committee, who asked if he believed the public into which he had pointed his hands, was better when granted, and to this he replied:

"There is considerable question about it. I would want to get it taken down before I would believe it was better."

Proceeding Mr. Kimball to the witness stand, Mr. Johnson interrupted a short-lived attack upon "Frank W. Head, construction manager, inquiring about the former Clinton, engineer through the committee as a director of the Clinton Trust company and credit. Mr. Head had indirectly handled contractor's bonds.

Challenging Mr. Johnson's narrative, Representative Henshaw and Kreyer suggested that this statement was outside the issues involved and Chairman Kreyer ordered a reexamination of testimony.

"I strongly wanted to show this in view of other testimony referring to Mr. Head as a contractor. The law provides any public official from any part of this state, should be so informed for the attorney general," Johnson then asserted.

"It is a dirty suggestion and I want to call the committee's attention to the fact that Mr. Johnson to the construction manager in which he has made his attack upon public officials," Mr. Kreyer interposed as the speaker came to an end.

Judge W. B. Fitzgerald, of the court, the only member of the committee, the only member of the court present, said that only benefit resulting of the various industries to which he and others had moved the state their personal interests, especially in the pursuit of capital business.

"I was deep in the government's construction in some hotel expense and other work from California and my own expense to avoid any unfavorable talk," he added.

Chairman Kreyer.

The characterized criticism of Mr. Kimball, an unimpaired, declaring he was the most honest man he had ever known. "He was courteous and kindly treated but not vindictive and never did he give the state anything but the best he had in him," the judge added.

The examination of all those, he related, had proved very telling in participation, declaring such had broken the effect completely and had regarded the architect, Mr. Johnson, and Mr. Meyers in the same manner.

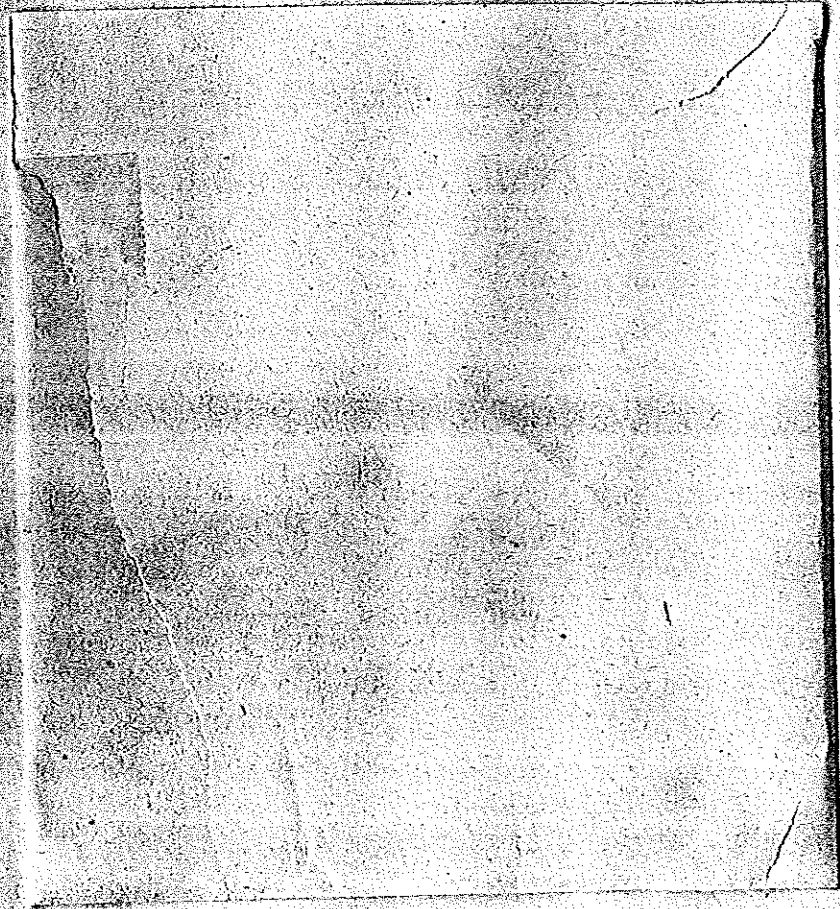
In concluding the hearing with some remarks in rebuttal suggested by Mr. Johnson, Chairman Kreyer declared the committee would begin its deliberations as soon as possible to prepare a report for the legislature prior to adjournment.

Star April 21, 1929

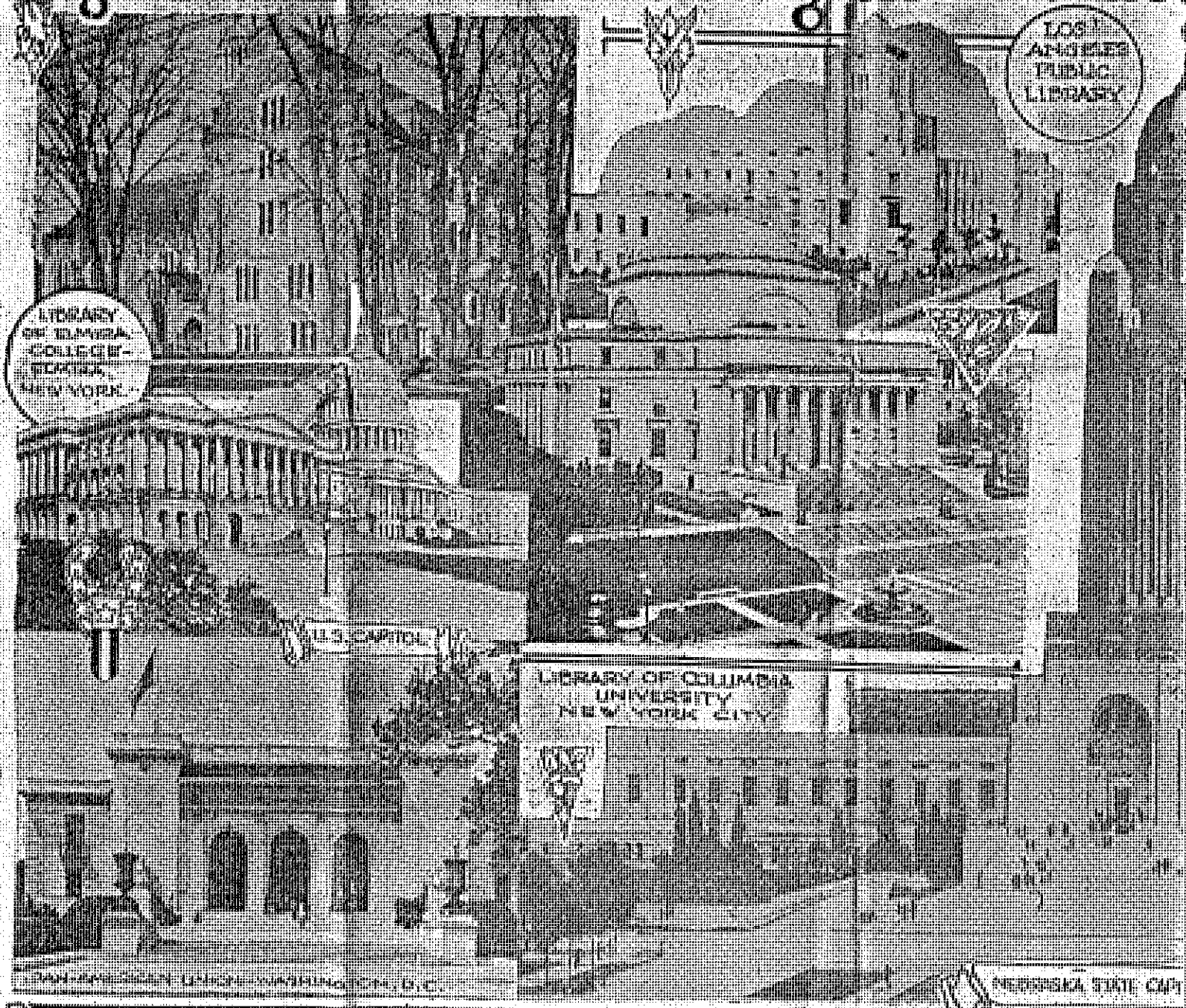
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Nebraska's Capitol

NEBRASKA LEGISLATIVE
REFERENCE BUREAU



Nebraska's Capitol Listed in Nominal Together With Famed Foreign Structures



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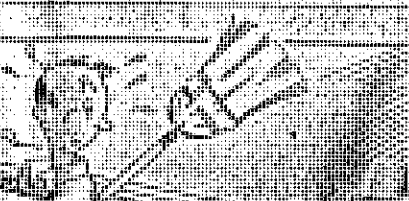
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NEBRASKA STATE CAPITOL

"It's my life without architects and masons without Aer, but we can not remember without Aer. There are but two strong conspirators of the forgetfulness of man. Peas-

WENT IT NICE I HAVE SATURDAY AFTERNOONS OFF?



SUNDAY STAR

FEATURES
AND
EDITORIAL

Star Newspaper

APRIL 21, 1929.

SECTION D

EIGHT PAGES

Plans for World's Greatest Architectures and Small Group of American Buildings

ST. JOHN'S
CATHEDRAL
NEW
YORK
CITY

BOSTON PUBLIC
LIBRARY

LINCOLN
MEMORIAL-WASHINGTON

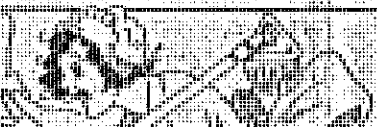
ST.
THOMAS
CHURCH
NEW
YORK

COL- LINCOLN

...ally library, all at New York, the Lincoln Memorial, Pan American building, the national capital, and Washington monument, Washington, D. C.

...Among the foreign buildings comparable for greatness with the state house are 'Palais de Justice', Bern

...I WANT THE SCREENS TO BE
...ON THE SCREENS TO BE
...OF GREAT SIZE AND SPACE
...THE SCREENS AND ALSO WITH
...AND ALSO WITH



not remember without her
 There are but two
 strong conquerors of the
 forgetfulness of men, Poetry
 and Architecture, and
 the latter in some sort in-
 cludes the former, and is
 mightier in its reality, it
 is well, to have not only
 what men have thought
 and felt, but what their
 hands have handled, and
 their strength wrought,
 and their eyes beheld, all of
 the days of their life."
 RUSKIN.

By LULU MAE COE.

For us of the plains, there are the
 neighborly skies, weighed with their
 infinite stars, companionable as a
 loved friend, the spring green of
 close hillsides, the indolent, indif-
 ferent pulsing of the sinuous prairie
 grasses, the checkered fields of gold
 and brown, green and black, lying so
 close to a city's pavements, and the
 soothing, encircling arm of the
 quiet countryside. For us of the
 new west, the eonian beauty not
 planned by man.

Structures of brick and stone,
 each one a trifle larger, a little taller
 than the one before, have marked
 our progress from the soddy. They
 have largely been utilitarian, with
 late little fringes of beauty to soothe
 the aesthetic, for our material needs
 have been more demanding than
 our dreams of absolute beauty.

The hard pioneer years, with their
 necessary inhibitions of beauty, are
 passing, and their compensation is
 in the possibility of creative beauty.
 Arduous labors have met developing
 physical needs, and there is time for
 an indulgence in esthetical execu-
 tion.

Capitol, An American Style.

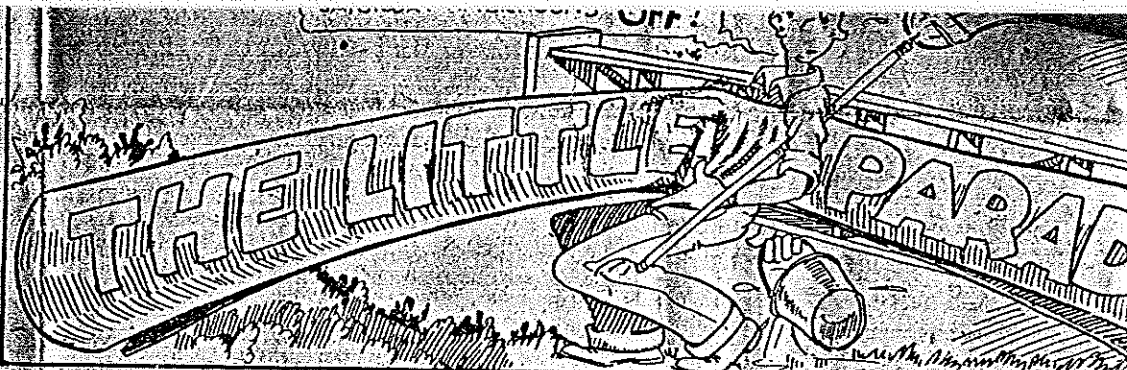
And a man, who conceived his
 and our dream of pure art in stone,
 fashioned this greatest Nebraska
 monument to beauty in the state's
 capitol. If it is not wholly a new
 thought, it represents so severe a
 modification of old forms as to ap-
 proximate an American style.

The Palos Verdes Art jury of
 Palos Verdes estates, Cal., has for
 more than a year been sponsoring
 an art appreciation inquiry, for
 which blanks were sent to some
 2,000 architects, artists, sculptors,
 art critics, and part patrons in this
 country and abroad. Each one was
 asked to list what he considered
 the ten greatest examples of archi-
 tecture, sculpture, painting, and
 landscape architecture, one blank to
 be used for American entries and
 the other for the world.

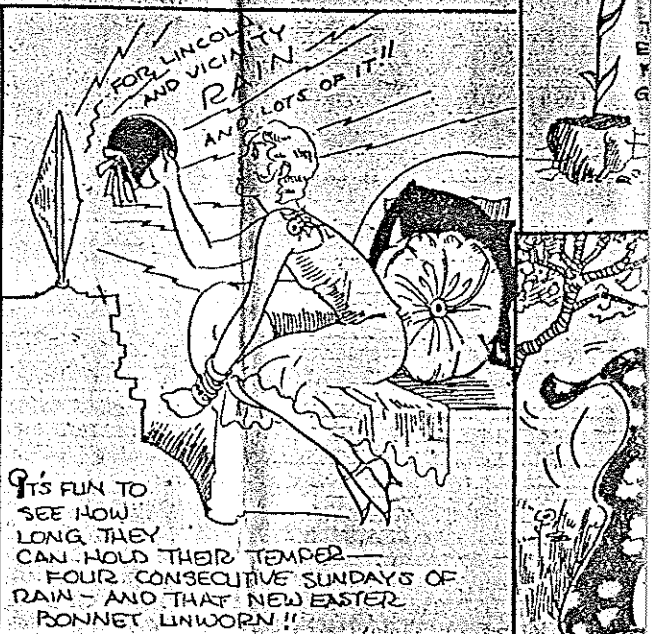
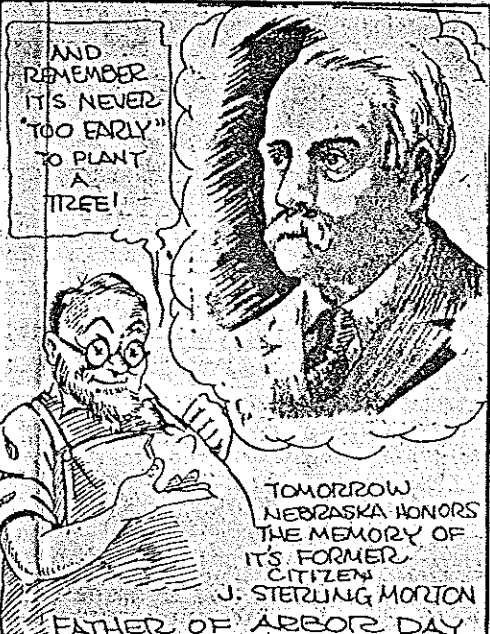
The state capitol of Nebraska was
 nominated frequently in the lists
 received. No very wide divergence
 of opinion on what are the world's
 greatest examples of art were found
 by the jury in summarizing the
 nominations. The ten greatest of
 the world are now being discussed
 by the art jury but the result must
 be viewed by the national advisory
 committee before a final decision is
 made, and that may take a couple
 of months.

Select Outstanding Structures.

In the composite summary recent-
 ly announced as nominations for the
 world's greatest architecture, out-
 standing structures in the United
 States chosen for consideration with
 Nebraska's new state house are the
 Boston Public library; Robie house
 and the Chicago Tribune building,
 both of Chicago; library of Elmira
 college, Elmira, N. Y.; Los Angeles
 public library; St. Thomas church,
 Brooklyn bridge, the Telephone
 building, Woolworth building, St.
 Patrick's cathedral, Cathedral of
 St. John the Divine Pennsylvania.



THE LINCOLN SUNDAY STAR



TOMORROW
 NEBRASKA HONORS
 THE MEMORY OF
 ITS FORMER
 CITIZEN
 J. STERLING MORISON
 FATHER OF ARBOR DAY

NEBRASKA'S CAPITOL

(Continued from Page One.)

part of it paid \$35,000 for it. It would have been more.

And when all the buildings and monuments completed into a plaza with the new glass tower. Little bits of wood from a pear and maple, putting on the hard corners of the present building of the country. Their presence beauty and a traditional maintenance of their ability problems came only from a solid masonry.

Pan-American Building

The Pan-American Building, a gift of Andrew Carnegie, was a noble architecture with the masonry tower standing a tropical forest. The charm of the structure is expressed by the formal pattern. The main part to which the Pan-American building is referred. The monument, which is one of the most distinguished works of art, and also one of the most beautiful and all human creations. It is a superb work of art, of which the main part is a 1-3 masonry wall and 45 feet 1-3 inches square at the base.

Half a century after the death of Abraham Lincoln, the people of the United States erected the Lincoln Memorial, which has taken rank among the great structures of the world during the ages. The great celebration of the war, the battle was thirty-eight in number, thirty-six of them representing the names of the cities which Lincoln had seen in 1861, and the national association of the people's part, which is the very first Lincoln Memorial.

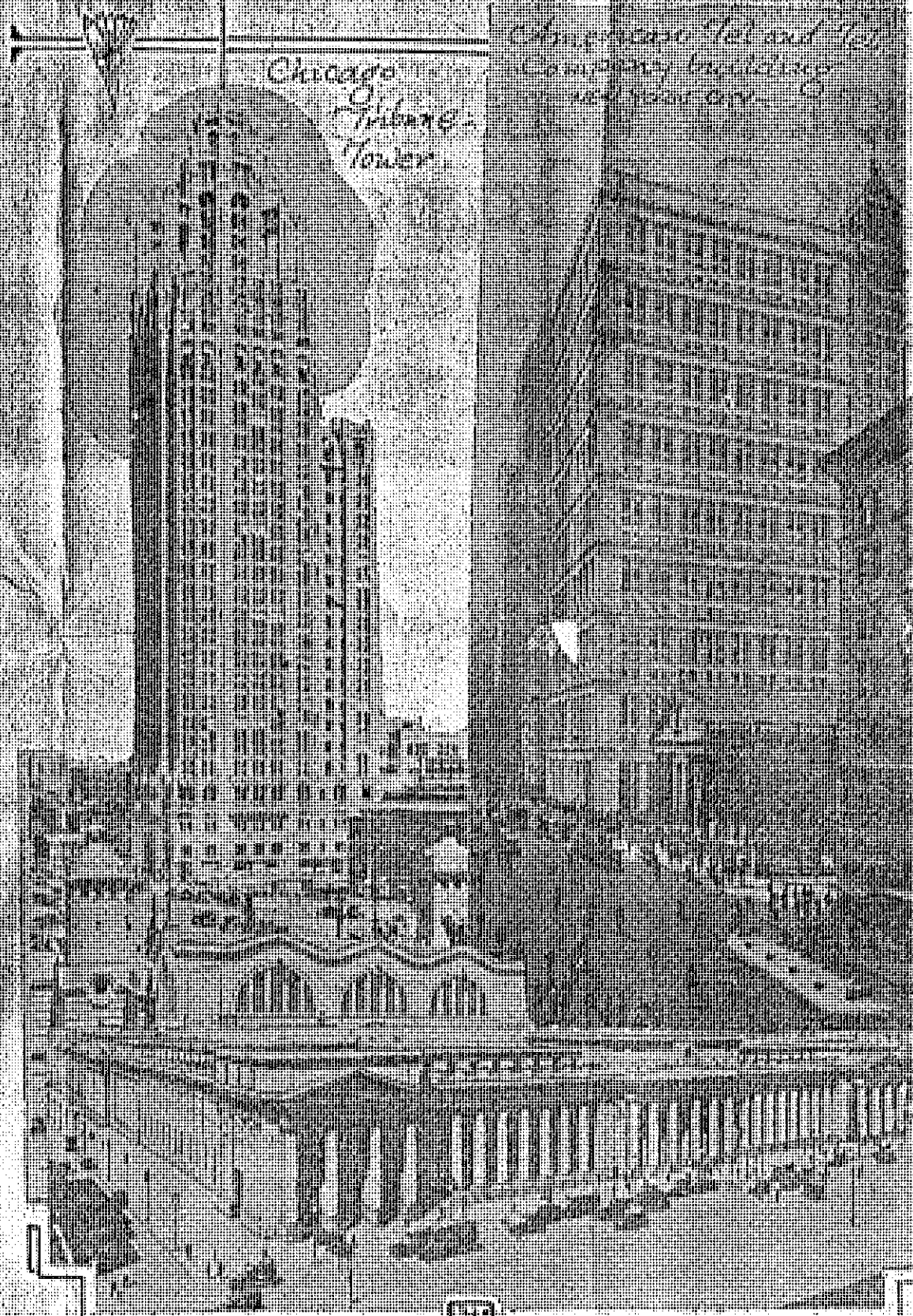
Lincoln Memorial

The Lincoln Memorial is a two-story building with a central figure in the top, and the monument stands rather than tall a story. In general, they represent "Americanism" and "Americanism." Two tablets bear the names of the cities and states from the second memorial. Probably the most building in the world is the capital, for which George Washington had the original cornerstone of the national building in 1793. The great central structure is topped by a massive statue of Washington, placed on the completed one in 1800.

The Cathedral of the Holy Spirit, the world's third largest cathedral, is a masterpiece of French, a simple and dignified design, being a moderate sculpture of stone light. The cathedral, which first and will be made as much again as the capital, has two towers on the west front rising to the top, and the central tower above the crossing of the nave and the transepts. The latter, when completed, will give an interior height of 100 feet from the pavement to the tower vaulting. The very beautiful interior is marked by eight great marble columns in a circle about the sanctuary, marking the masses of the cathedral.

St. Thomas Church in Manhattan

St. Thomas church, New York, is in design with a combined French and English influence. The west front is rich and elaborate in design, resembling the French cathedral, except that it has only one tower instead of two. The interior, level arcade, windows of stained glass, the nave arches, the deep porch, are all made of stone as one may find all over France or in England, where the French Gothic influence have surrounded the more general French and English design. The front of the church.



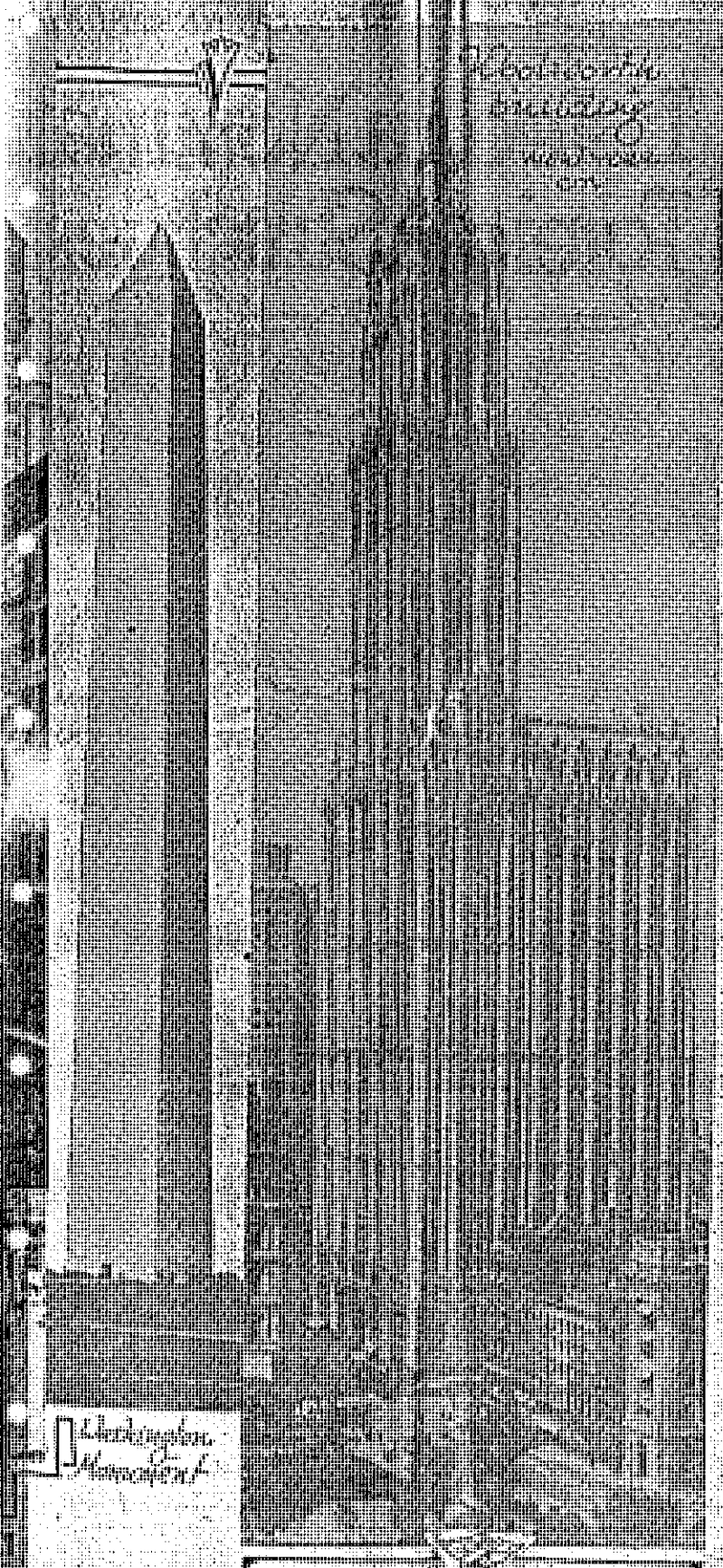
Chicago Tribune Tower

Chicago Tribune Tower

Pennsylvania Railroad Station

Upon every structural consideration it might be thought the great business structures of the country were planned only upon a utilitarian basis. As they were, they proper space for industrial operations, placing of cooperating departments, correct lighting, ventilation, and so on, for security in service, held to be the only subjects of discussion in the... The design of the structure is the subject of the... The design of the structure is the subject of the...

OL IN NOMINATIONS



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They have utilized the famed architecture of the world, of which there are hundreds, considered with ...
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in Parks tion of Lincoln

part found. Others were holding up the scheme, however, and of them the number of workmen engaged in the planting was small. The work was not completed until late in the afternoon.

The temporary committee in charge of the Lincoln park project is now in the hands of Park board members. The committee is now in the hands of Park board members.

The purpose of the project is to improve the park by planting trees. The work will be done in the hands of Park board members. The committee is now in the hands of Park board members.

Flowers and shrubs are being planted in the park. The work will be done in the hands of Park board members. The committee is now in the hands of Park board members.

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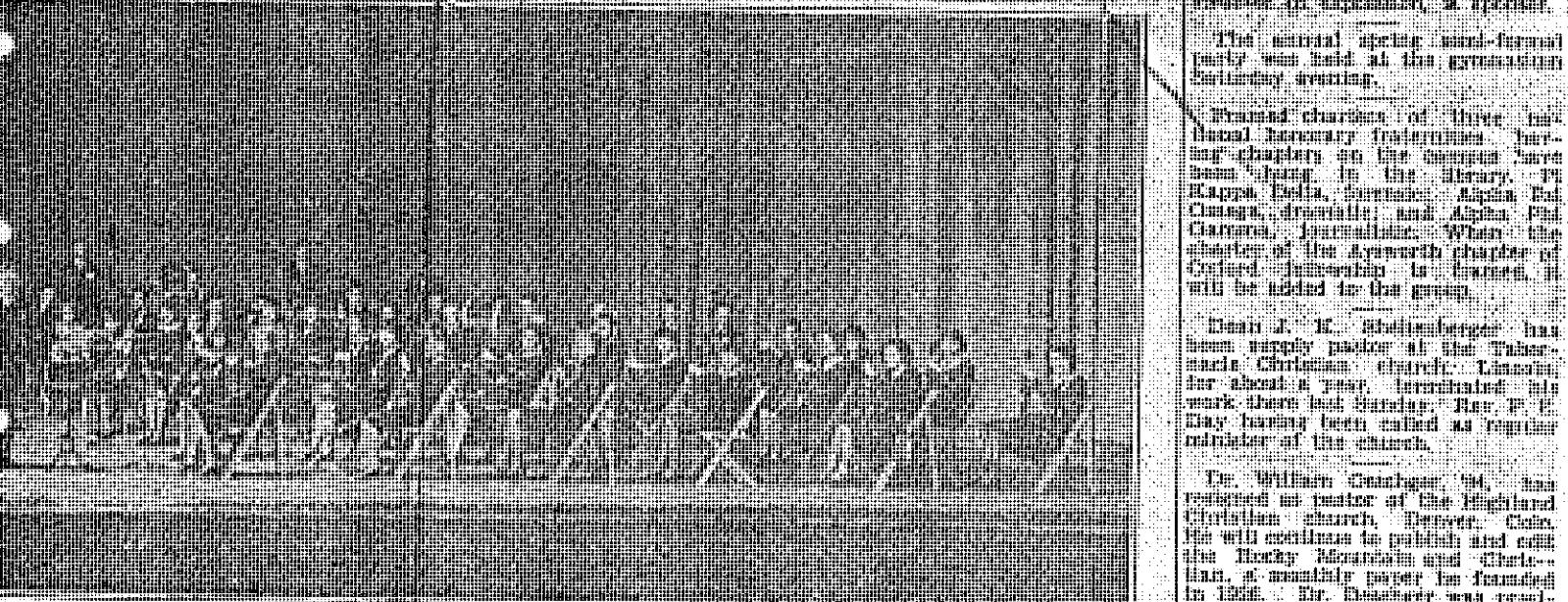
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TO ENTER NATIONAL CONTEST



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Doane College Notes

Robert L. Craig, '11, who had been elected the principal of the Doane College school for the coming year, has decided to continue his studies and has accepted a position as post-graduate student in the department of physics at the University of Nebraska where he will carry on advanced work.

Journal April 20, 1963

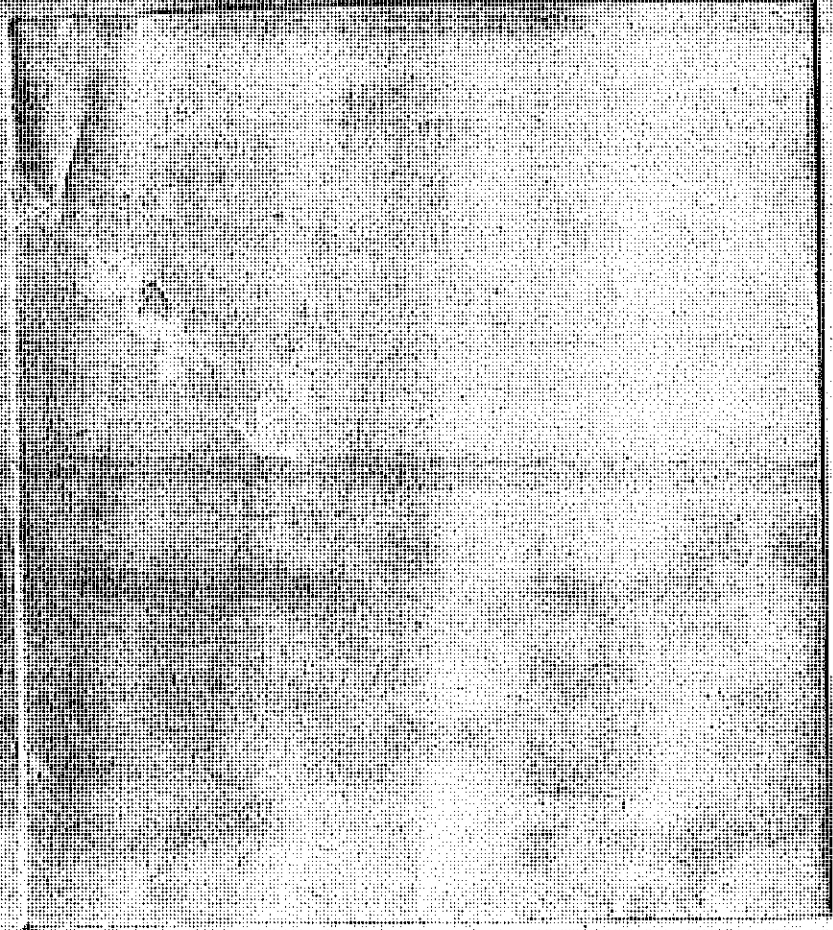
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#258

Woodward Killed by
Capital Investigation

NEBRASKA LEGISLATIVE
REFERENCE BUREAU



SAYS GOODHUE KILLED BY NEBRASKA CRITICS

Jan. April 13, '29

ARCHITECT'S SUCCESSOR ON STAND.

F. L. Mayers Says Investi- gation of 1923 Broke Heart of Capitol Designer.

"The friends of Bertram Goodhue feel that the Nebraska people who attacked him during the investigation of the capitol in 1923, caused his death," was the statement made Saturday morning by Francis L. Mayers, head of the Goodhue associates, successor firm to the famous architect.

"The Nebraska capitol has been considered Goodhue's gem among those nearest him," Mayers stated. "His heart was in it. We younger men who have dared to try to carry on the work in the way he began it have thought enough of the building to tremble when he consider completing it, tho our work is largely detail."

Quizzed four hours before the legislative committee which is investigating alleged defects in the capitol, Mr. Mayers declared the hearing six years ago had "very serious effect" on Goodhue health. "To his death, he said the architect never quite forgave the state of Nebraska for takin' him to task without showing justification.

"It broke his heart to think the Nebraska, the state of hardy men where the trickery of the big cities not expected, would criticize him in this way. His health was undermined and his nerves shattered putting him in a condition to part out like a breath of smoke."

Mayers said he did not include the capitol commission in the number of Goodhue's Nebraska critics. Tho there were differences, the spirit that prevailed was a most pleasant one.

On later cross-examination former State Engineer Johnson whose charges are being examined

Continued on Page 8.

at the present hearing, Mayers admitted that Goodhue had been in poor health in 1922, having submitted to two operations. He maintained, however, that Goodhue's heart had been broken by "unjust" criticism of what he considered one of his greatest structures.

"Thankful for Praise.

Mr. Mayers, in referring to the testimony of several other architects who have appeared at the hearing, stated: "I will carry as one of the brightest spots of my life the unstinted praise these others have given this building and Mr. Goodhue. I think they have showed a wonderful loyalty to their profession."

Mr. Mayers said that in his opinion the five-eighths inch joints used in construction do not weaken the building in any degree. Mr. Goodhue had felt that such space was necessary for the proper effect in a structure so large.

Quizzed as to the Gustavino tile which the commission was said to have bought without competition at an extravagant price, Mr. Mayers stated that the acoustic properties of the material had been developed as the result of discoveries of a Harvard professor. The process is patented by Mr. Gustavino and the tile made by a secret process.

Originally unsatisfactory structurally and having a tendency to buckle and warp, the Gustavino product has been improved to where it does not have those defects. No one has found a material similarly porous and absorbent of sound, according to the New York architect.

Referring to the expense of the material, Mr. Mayers said that the actual acoustic tile area is a small percentage of the whole, there being a large amount of gold and salamic tile in the designs. Other firms make this tile, but did not choose to compete on it, evidently fearing that they could not do so profitably, as many hundreds of blocks may be burned to get the proper shade.

A statement by Mr. Gustavino was quoted that one section furnished for \$13,000 could not be reproduced for \$40,000. In the case of the present house chamber, estimates were submitted and it was learned that a wood ceiling, acoustically treated, would cost more than the tile.

Discusses Ventilation.

When plans for ventilation were first discussed, it was the desire to provide a more effective ventilating system than is now in use, according to Mr. Mayers. Due to the large expense, however, it was deemed advisable to put an artificial system in seventy rooms where due to extensive use or location, such was needed. Natural methods were thought sufficient for the outer offices.

Mr. Mayers answered two charges of Fred Carey, Omaha Bee-News reporter. Plans are to install marble wainscoting in the lower corridors and treat the plaster surface to make it more permanent. Discoloration in the outer walls is in his opinion mainly due to the smoke from the railroad and heating plant of the grounds and the condition of the surrounding

not getting the stone originally contracted for, but the kind desired by the architect.

Mayers' interpretation was that the state is getting No. 1 quality stone thruout the building regardless of the texture and color.

Johnson Repeats Accusation

During the discussion on his charge that the commission's action in forcing a refund from one of the contractors was indicative that they were not satisfied that they were getting value received, Mr. Johnson repeated his assertion that the state was still receiving an inferior material.

"The state got the money for that stone back in the same way that a person recovers from a bank defaulter if they catch him. The difference is that such a person, if apprehended, usually goes to the penitentiary," Attorney Cline added "Or the graveyard, where you sent one of them."

The architects' attorneys then asked Johnson whether or not he had certified payment for the stone. He said he was not sure, and rose to make a statement in that regard. Upon the lawyers' insistence that he answer definitely, the former state engineer shouted, "You've taken up days and I have spent only a few hours—you shut up." He wanted time, declaring that he could not answer with a half dozen questions being asked at once, and finally said he would answer on rebuttal testimony.

Johnson's Name on Contract

Mr. Mayers read from the commission records of Dec. 4, 1922, the certificate of the first payment to the Strubble Stone company of \$19,000 for stone on the first section. The minutes were signed by former Governor McKelvie as chairman and Johnson as secretary of the commission and certified by Mr. Goodhue, with the approval of Johnson and Younkin.

"My name was not signed to the contract—Mr. Goodhue approved it, and Johnson himself certified payment," Mayers declared.

Mr. Goodhue, with the approval of Johnson and Younkin. My name was not signed to the contract—Mr. Goodhue approved it, and Johnson himself certified payment," Mayers declared.

Mr. Mayers said no definite solution for the problem of fixing the terrace floor has been evolved. It has been estimated, however, that it could be put in satisfactory repair for \$15,000, and for \$40,000, a new floor of a better design could be installed. He believed that it was the state's liability.

Johnson claimed that the plans for the present terrace floor had never been approved, whereat Attorney Cline asserted that if that were the case, Johnson was guilty of malfeasance in office, being state engineer at the time it was built.

The former secretary of the public works department objected to being referred to as state engineer and technical advisor. Much money was spent for technical experts who advised as to questions in the building's design, he declared.

Johnson said he would depend on rebuttal for his contentions in regard to the condition of the marble which he criticized in his written charges.

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Neb.

#260

Journal, May 28, 1929

**SHALL CAPITOL BE
OPEN ON SUNDAYS**
Journal, May 28, 1929
**DAN SWANSON SOON TO
MAKE DECISION.**

**He Becomes Custodian in
July—Finds Only One
Capital Open on
Sabbath.**

Small Mechanics 44,000,000 cap-
ital be kept open to visitors Sun-
days and holidays? Shall the pol-
icy of the Weaver administration
be continued and the policy of the
McCluskey administration be re-
versed? Dan Swanson, custodian
elect of public lands and buildings
will be confronted with these ques-
tions when he becomes custodian
of the capitol July 31. He is pre-
paring to meet the issue by obtain-
ing information from other capitol
and public buildings through the
United States.

That far he has found only one
building open to visiting delegations
on Sundays and holidays. It is the
capitol of Missouri at Jefferson
City, and there one door is kept
open so that visitors may keep
watch on those who enter, even if
they cannot tell whether some of
the visitors hide and reconnoiter in
the building and do not return to
go out.

Comptroller Swanson is uncon-
vinced concerning as to whether keep-
ing the capitol open on Sundays in-
creases the maintenance cost for
guards and janitor services. There-
fore Weaver voted on March 1930,
\$100,000 for maintenance of the capitol.
Mr. Swanson finds this leaves him
a fund of \$100,000, whereas in the
past two years the cost has been
\$140,000. When it was suggested
that Mr. Swanson might use the
\$100,000 and then ask the next legis-
lature to appropriate funds for a
deficit he said there would be no
deficit under his administration.

Governor McCluskey, as a legal
custodian of the capitol, ruled that
the building should be closed on
Sundays and holidays, as he feared
vandalism or damage to the build-
ing or interrupting of private
offices if there was no restriction
as to the character of people who

Continued on Page 5.

**NEBRASKA LEGISLATIVE
REFERENCE BUREAU**

should enter it. To protect it would
take an army of guards, he said. He
closed public buildings in Washing-
ton and other state capitals on
being closed on Sundays and hol-
days.

Governor Weaver, when he has
some legal questions, takes a dif-
ferent view. He expressed it in
large letters displayed in the
vestibule of the main entrance,
which reads:

"You are invited to view this
building. It belongs to the people
of Nebraska. You are invited to
visit year-round at the expense
of no more than a tour of the building
conducted by an official guide who
is at your service and who may be

found in the vestibule at 2 p. m.
each day, including Saturdays and
holidays. He will conduct parties
from the building point out the
various uses of the rooms and ex-
plain the many beautiful and art-
istic features of the structure."

The governor's reception room,
with its mural paintings, is one of
the rooms open to visitors on Sun-
days and holidays.

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CAPITOL FAULT SMALL, SAYS A. H. KIMBALL

A. H. Kimball
Iowa State College Expert,
Advisor to Investigating
Committee, Makes Report.

URGES TERRACE REPAIR

The principal flaw in the new Nebraska capitol at Lincoln, is to be found in the construction of the terrace, but throughout the whole building, whatever faults there are, are mostly the result of inadequate maintenance," Prof. A. H. Kimball, head of the architectural department of Iowa State college at Ames, Ia., told The World-Herald Saturday night.

Prof. Kimball is the expert who was hired as special investigator and adviser of the legislative investigating committee. He has submitted his report, which covers every phase of the capitol building, and he is free to suggest corrections.

"I was very particular to bring out, in my report to the investigating commission, that from the standpoint of the size of the investment, the amount of trouble, if any there is, is very small, considering the capital as a whole," Prof. Kimball said.

Criticism of Terrace Design

"The fault in the terrace should be taken care of immediately. There are four or five different ways of doing that. The cost of the different ways would vary, as it would be more or less advisable to attempt to give an estimate of the cost. That will depend upon the method of repair that is adopted."

Prof. Kimball's report has not been released for publication. The substance of that part of his report which dealt with criticism, as obtained in a long, detailed telephone conversation, is given here.

The part of Prof. Kimball's report dealing with terrace defects says:

"The exterior terrace and parapet wall present the greatest defect in the entire structure. The terrace was faulty in original design.

"If the trouble with the terrace began to show up in 1925 it hardly seems possible that the construction should have been allowed to disintegrate during the three following years.

NEBRASKA LEGISLATIVE REFERENCE BUREAU

Water, Not Plaster, Fault
"The water, seeping down through the terrace floor through the ceiling and walls below, has caused the plaster to rot in many places, the surface of which soon has separated from the base and has fallen off. The damage will involve and cause extensive chipping and repointing of walls.

Prof. Kimball suggests greater provision be made for expansion and contraction, due to weather changes, and that outlet for water be provided by changing the structure of the terrace floor and by providing that the whole provide the proper maintenance of the building hereafter.

Some Plans "Too General"
"The report tells of finding 'new' and pieces of stone which are too coarse."

"The character of the masonry structure there has not sections of the main cornice which have impacted stone patches not in contact. It is to be regretted that such a condition exists. Such patched material should not have been used. The stone should be removed and replaced with perfect pieces.

"It is evident in many places that several pieces of stone were damaged because of being placed in the walls. Such material should never have been used."

Prof. Kimball emphasized that "in general the state work was well done."

Criticism of The Cornice

Criticism of the architect and contractor as to lack of cooperation on details was the subject, the report says.

The expert's criticism of the library had to do with failure to extend masonry back under the book stacks to the wall; no effort to provide masonry material on the back of the masonry book stacks and a criticism of the workmanship of brick masonry on the main floor of the library.

Prof. Kimball is "very decorative" in character. Prof. Kimball reported, adding that "in places" which "the architect did not make to his specifications and in a recent check-up of surface structural condition but of surface decorative condition." There is no question, he said, as to the beauty of the marble, and he added that he "did not know" whether the marble pillars were broken.

The capitol, the expert said, is a building of "magnificent design," and a "charming conception," and "in accordance to the design and character of the character of the state."

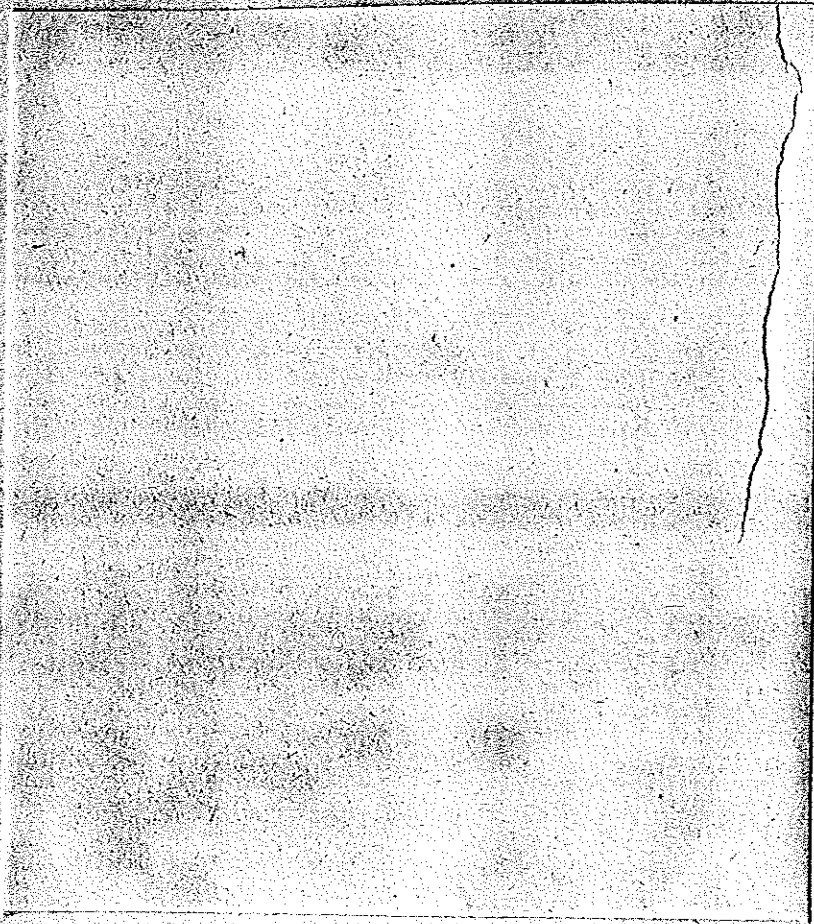
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Journal, May 12, 1929

Neb.
#262

London Times on
Nebraska Capital

NEBRASKA LEGISLATIVE
REFERENCE BUREAU



Great Works of Art and Praises Master Who Designed

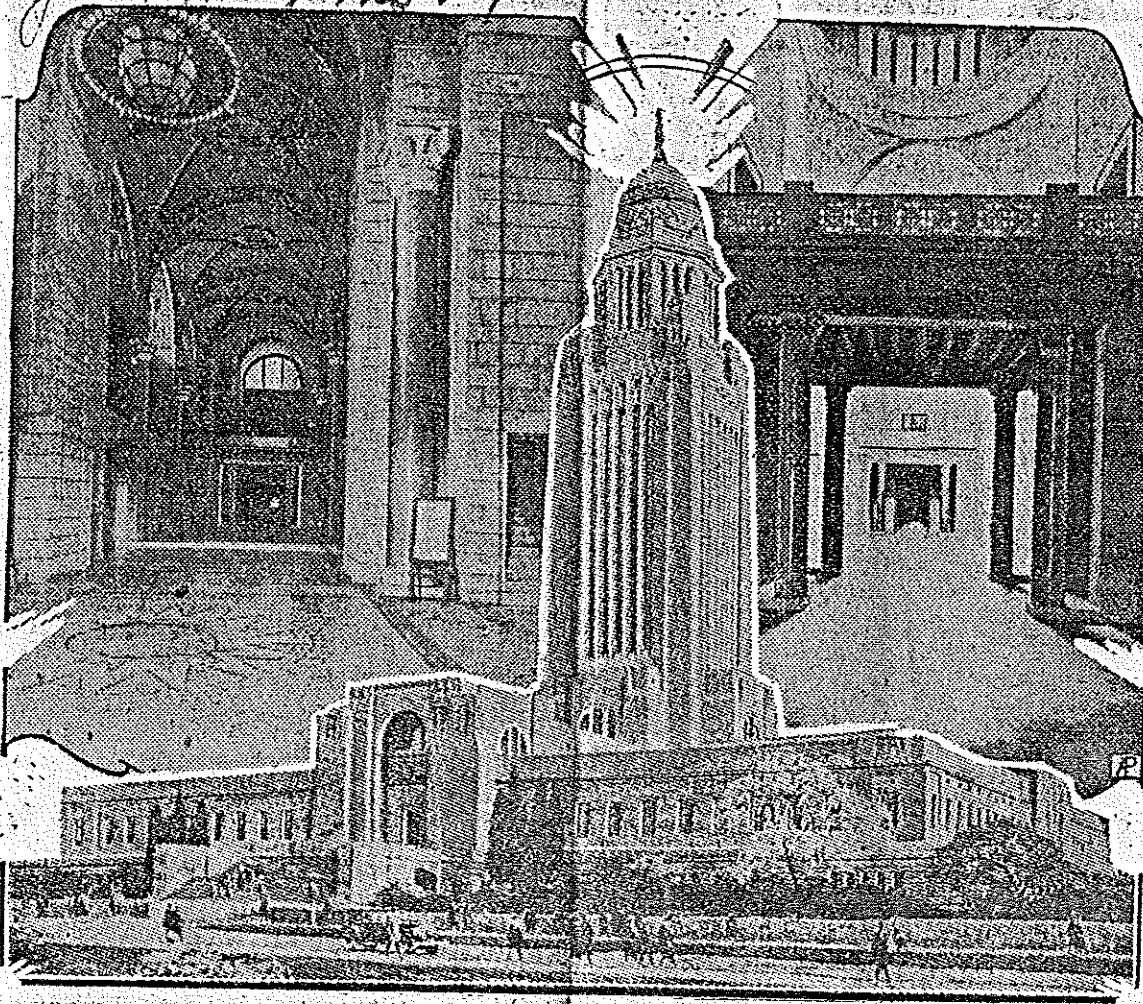
Jan. 18, '29

The London Times, in an article on American architecture, mentions the Nebraska state capitol as one of the best of new American buildings, including with it in its list of "great works", the Barclay-Vesey building in New York, (the telephone building), the Pacific Telephone building in San Francisco, the Tribune tower in Chicago, the skyscraper at the end of the Michigan avenue bridge in Chicago, and the McKinlock campus buildings of Northwestern university.

"The greatest eras," says the Times, "have had foremost in view the necessity and function for which they were building, and it was in the refinement of commonplace things rather than in any conscious effort to produce art as we understand the term that they produced great architecture." Speaking further of the new in architecture the writer says, "Each advance needs the spirit of a master to give it impetus. In more than one direction the impetus has been given which will correct some preconceived idea. Bertram Grosvenor Goodhue, in the state capitol of Nebraska has shown that the state capitol is not of necessity a French provincial city hall."

"The unparalleled period of building activity which the United States has seen in recent years," says the Times writer, "forms a singular study of the artistic expression of a great people, particularly as displayed in the design of the huge commercial buildings which economic prosperity has brought into existence, and in problems the solution of which either from their novel character or from their greatly increased proportions the old world has no conception of. The success with which many of these problems have been solved is still, to a great extent, a matter of opinion. It may be argued, for instance, whether, in the growth of the modern metropolis the skyscraper's undoubted advantages have been outweighed by, or have outweighed, the congestion of the streets and public transport which has resulted. But, omitting the expediency or in expediency of modern institutions, the principal question which a period of civilization should ask of itself is: "How far has architecture kept abreast of the practical requirements of the age?" for it is in this that the success or failure of modern architectural development turns and, as an honest expression of the age, must be judged.

"That architecture should set out to express the age in which it is erected is a fallacy if suggested as an axiom for design; it unavoidably does so whether it be in Greek simplicity or Victorian confusion." Mentioning further the American buildings which have been governed by the principle of "refinement of commonplace things" rather than "conscious art" the writer says that the design of these buildings has been dictated by typically American needs. "As the Egyptians demand tombs, the Greeks temples, the Romans amphitheaters, the middle ages ca-



ings reproductions of antiquity or copies of the French Renaissance.

"To what extent archaeological knowledge should influence design is a vexed question in America. (The writer has said that the attitude of this country towards architecture is still definitely conservative.) In the Church of St. Thomas, Fifth avenue, the new Savoy-Plaza hotel and the Bowery Bank, New York, it has been shown that Gothic, classic and Romanesque respectively can be incorporated into modern architecture with progressive freedom. But the critic of the use of archaeological features should realize that they too often belie the underlying design. For instance in the Woolworth building, usually labelled Gothic, the Gothic form and construction, as known to the middle ages, play but a very small part in the whole content of the building. The Woolworth building may be Gothic in America, but it would be infinitely more American had it been built in the Ile de France. It is in this progressive use and intelligent application of archaeological features that one realizes the beauty of Goodhue's church as opposed to the bulk of American ecclesiastical work and the qualities of such classic buildings as the Cunard building, New York, the Pacific Oil and Electric company's building, San Francisco, and the Stevens hotel, Chicago."

"But the brilliant classic manner of McKim, Mead and White, which

true architecture. However much we may condemn them, we must admit their qualities, but must not fail to recognize modern architecture which at first sight may appear to wear an ancient and irrelevant garb. Signs are not lacking to show that modern architecture is beginning to adopt a modern dress, and, when this becomes the rule rather than the exception, the dress will at last begin to change with changing form and function. The applied classic or Gothic facade is alien to the true nature of the building and the civilization for which it stands. The heavy projecting cornice, the deep arch reveal, the heavy colonnade, or the intricacy of tracery, which the reproduction of these styles necessitates, can serve no useful purpose, but tend rather to shut out daylight already sadly diminished. By degrees they are giving way to an architecture of which the form is more truly functional and more truly American, and the decoration is controlled by the materials and the form it decorates."

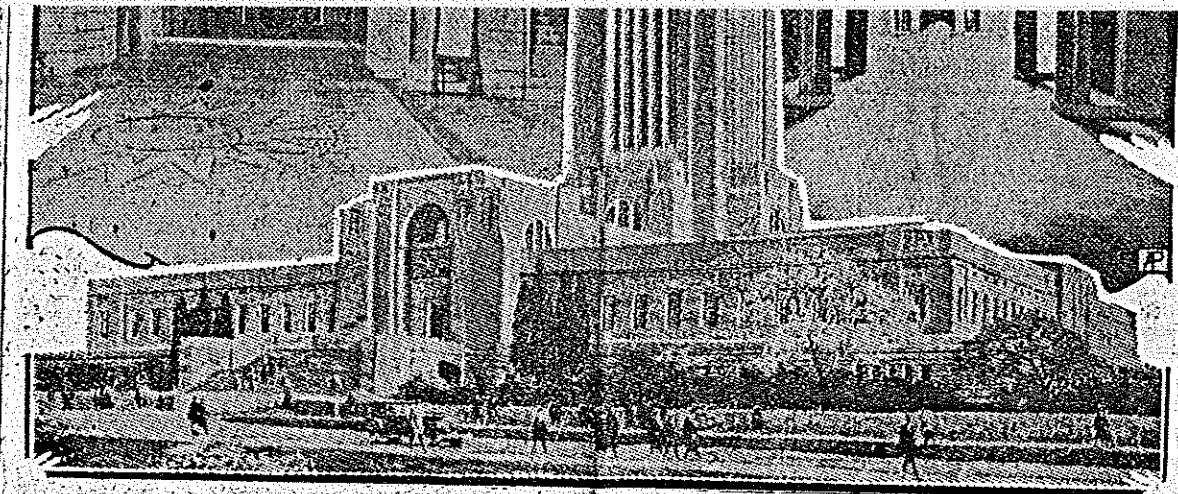
the blow. Until recently, running boards have been constructed with no regard for strength other than that required to bear the weight to which they may be subjected, but of late the idea has been advanced to make them rugged enough to act, to a degree, as side bumpers.

they produced great architecture. Speaking further of the new in architecture the writer says, "Each advance needs the spirit of a master to give it impetus. In more than one direction the impetus has been given which will correct some preconceived idea. Bertram Grosvenor Goodhue, in the state capitol of Nebraska has shown that the state capitol is not of necessity a French provincial city hall."

"The unparalleled period of building activity which the United States has seen in recent years," says the Times writer, "forms a singular study of the artistic expression of a great people, particularly as displayed in the design of the huge commercial buildings which economic prosperity has brought into existence, and in problems the solution of which either from their novel character or from their greatly increased proportions the old world has no conception of. The success with which many of these problems have been solved is still, to a great extent, a matter of opinion. It may be argued, for instance, whether, in the growth of the modern metropolis the skyscraper's undoubted advantages have been outweighed by, or have outweighed, the congestion of the streets and public transport which has resulted. But, omitting the expediency or in expediency of modern institutions, the principal question which a period of civilization should ask of itself is: "How far has architecture kept abreast of the practical requirements of the age?" for it is on this that the success or failure of modern architectural development turns and as an honest expression of the age, must be judged.

That architecture should set to express the age in which it is erected is a fallacy if suggested as an axiom for design; it unavoidably does so whether it be in Greek simplicity or Victorian confusion." Mentioning further the American buildings which have been governed by the principle of "refinement of commonplace things" rather than "conscious art" the writer says that the design of these buildings has been dictated by typically American needs. "As the Egyptians demand tombs, the Greeks temples, the Romans amphitheaters, the middle ages cathedrals and western Europe of the renaissance palaces, so America demands the great buildings which make up her civilization of today, and it is in those buildings essentially of her twentieth-century civilization that she is most conspicuously successful."

The best of American architecture, in the opinion of this writer, is that which is not too palpably "designed." The subject which makes the most exacting requirements he says is invariably the most successfully treated. Hence remarkable achievements in commercial buildings, lesser success in monumental work and too often in churches and public build-



ings reproductions of antiquity or copies of the French Renaissance.

"To what extent archaeological knowledge should influence design is a vexed question in America. (The writer has said that the attitude of this country towards architecture is still definitely conservative.) In the Church of St. Thomas, Fifth avenue, the new Savoy-Plaza hotel and the Bowery bank, New York, it has been shown that Gothic, classic and Romanesque respectively can be incorporated into modern architecture with progressive freedom. But the critic of the use of archaeological features should realize that they too often belie the underlying design. For instance in the Woolworth building, usually labelled Gothic, the Gothic form and construction, as known to the middle ages, play but a very small part in the whole content of the building. The Woolworth building may be Gothic in America, but it would be infinitely more American had it been built in the Ile de France. It is in this progressive use and intelligent application of archaeological features that one realizes the beauty of Goodhue's church as opposed to the bulk of American ecclesiastical work and the qualities of such classic buildings as the Cunard building, New York; the Pacific Oil and Electric company's building, San Francisco, and the Stevens hotel, Chicago."

"But the brilliant classic manner of McKim, Mead and White, which this firm created and sustained, is on the wane. The last member of the original firm is now dead, and the work of their followers alone seems sufficient to demonstrate that their achievement was perfected and is now effete. As H. H. Richardson, with his Romanesque school, has become past history, so Stanford White is already taking his place among the classics. Louis Sullivan will no doubt yet be recognized as a man who preceded his time.

"While the great bulk of modern architecture lags behind our mechanical age we shall still expect to find those paper designs which are essays in history rather than

true architecture. However much we may condemn them, we must admit their qualities, but must not fail to recognize a modern architecture which at first sight may appear to wear an ancient and irrelevant garb. Signs are not lacking to show that modern architecture is beginning to adopt a modern dress, and when this becomes the rule rather than the exception, the dress will at last begin to change with changing form and function. The applied classic or Gothic facade is alien to the true nature of the building and the civilization for which it stands. The heavy projecting cornice, the deep arch reveal, the heavy colonnade, or the intricacy of tracery, which the reproduction of these styles necessitates, can serve no useful purpose, but tend rather to shut out daylight already sadly diminished. By degrees they are giving way to an architecture of which the form is more truly functional and more truly American, and the decoration is controlled by the materials and the form it decorates."

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Stan, May 12, 1929

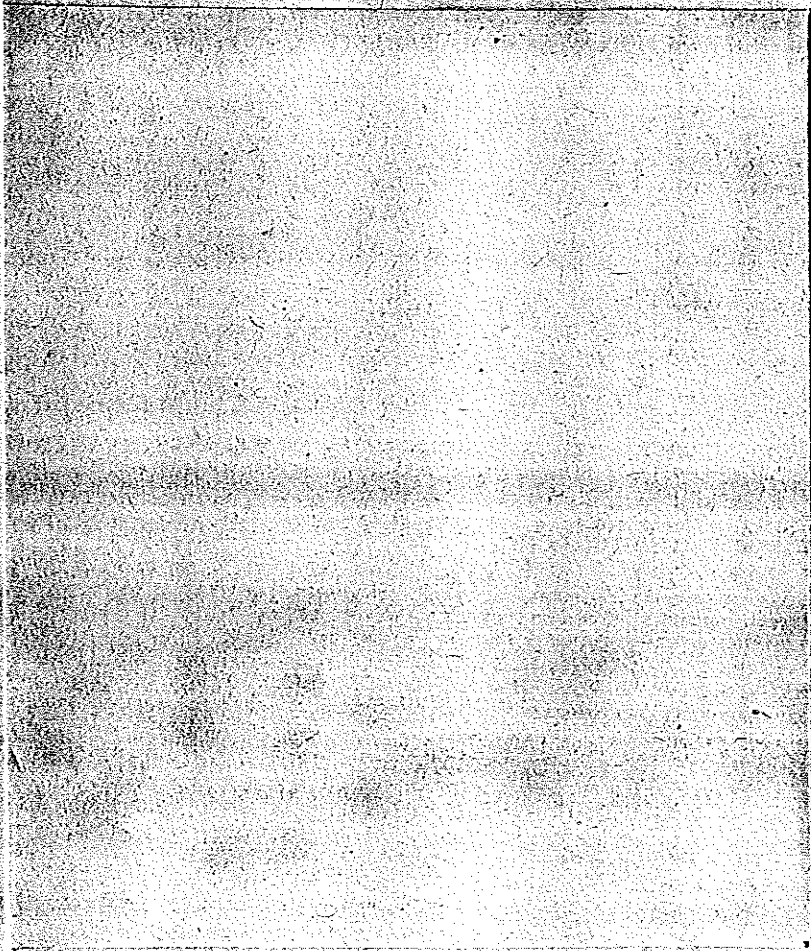
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#263

Doors in Capitol

NEBRASKA LEGISLATIVE
REFERENCE BUREAU



Massive Mahogany Doors, Hand Carved by Lincoln Man, Hung at Entrance to Representative Hall in Capitol

The massive mahogany doors, their carving symmetrical of early Indian life in Nebraska, have been hung at the upper entrance of the House of Representatives in the state capital. The carved surfaces of the doors will be decorated in polychrome in Indian colors, green, brown, blue and red, both the carving and the color motifs carrying out those of the house chamber.

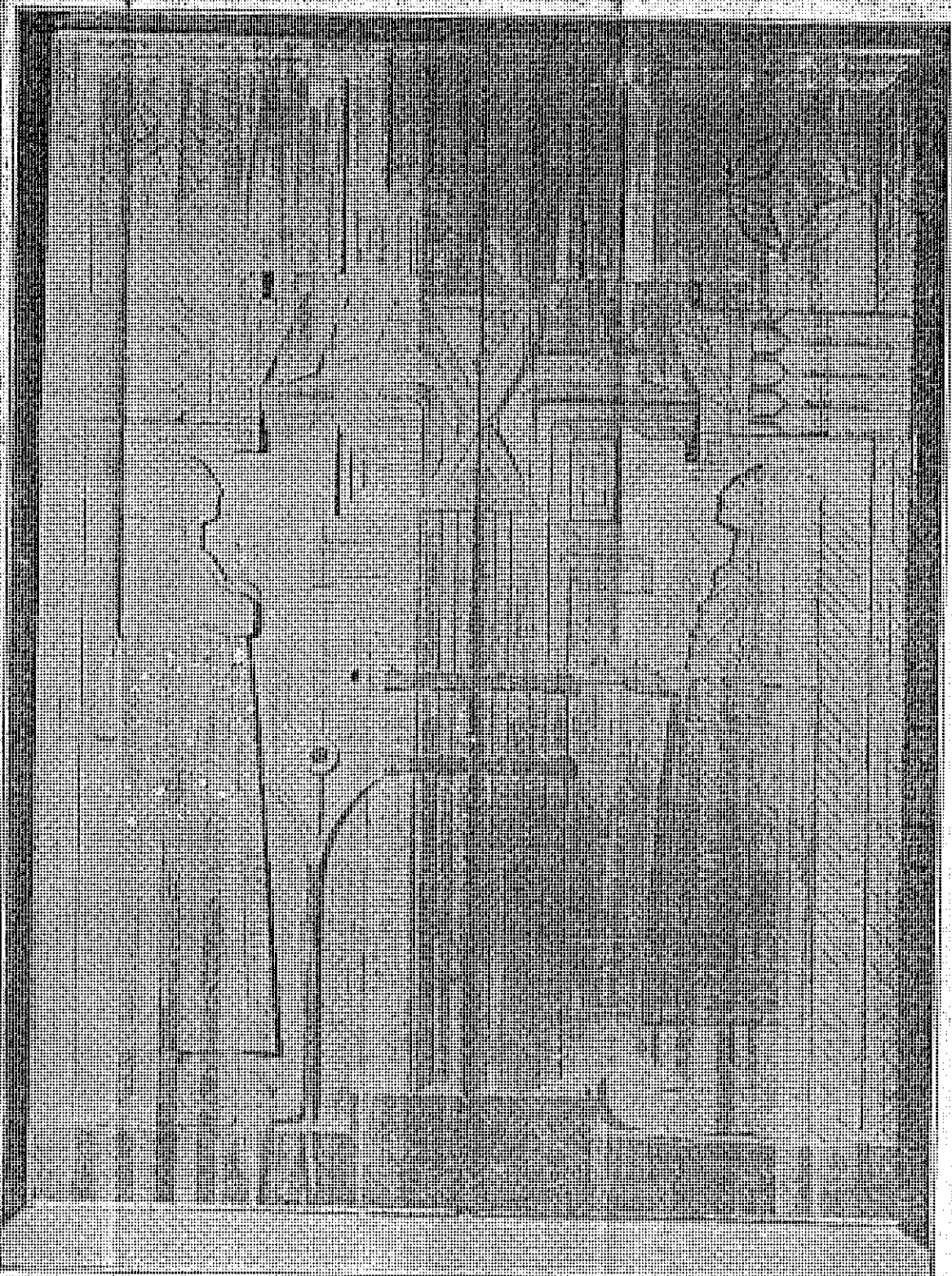
The design of the doors is of conventionalized corn stalks and corn. The state Indian figure on the right door, in full war dress and holding the pipe of peace, is standing on a war-birding animal, showing the prominence of man over beast. All of the embryonic motifs here is that of Nebraska Indian folk. He looks at the sun, symbol on the left door, as he stands, because Indians the sun worshipers.

On the left door is the Indian woman, with a pipestem slung to her shoulder. She poses at the stair and the stairs and her folded arms show delicate embroidery on the sleeve of her robe.

Carved out in the carving on the no door is the crown of corn, and at its intersection is the eagle, or carven bird of prey. The lock of the door is in the center of a design, growing from the trunk ornamental black plate of the left door. The plates are to be placed later.

The doors are of solid Hebechama mahogany, weighing 750 pounds each. There are twenty-one latitudinal ribs in each door, four inches wide and one and three-quarters inches high, adapted in perfect warping and twisting, and fifteen solid through bolts, both parallel and vertical, taking up the expansion in the wood. The doors are hung on steel one-inch ball bearing plates, and the whole wall is enclosed in granite black walnut.

These motifs were devoted to the carving on the doors, which in all and carving, and done by Kenneth W. Lorenz of the Lorenz studio. The doors were modeled by Les Lauder of New York City. This wood carving is the only part of that in the state house which to date has been done in Nebraska. Mr. Lorenz is a junior draftsman in the Cassin office in New York years ago.



—Photo by Hutchins.

Star, May 12, '29

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#208

Star May 7, 1929

REPAIR TERRACE STATE CAPITOL Stone Pushed Out for Lime To Be Reset at Once.

NEBRASKA LEGISLATIVE
REFERENCE BUREAU

Emergency repairs, being done largely as a matter of expediency, were started Tuesday morning on the terrace walls on the southeast corner of the capitol.

In the recent legislative investigation, considerable stress was placed upon the condition of the terrace floor. The calling and carrying around the three sides of the building, where masons and construction had pushed the walls out of line, heaved the floor, and opened wide cracks in some of the joints.

The present condition was described by W. H. Yonckin, engineer for the capitol commission, and by others, as having resulted from lack of proper maintenance, due to lack of funds for repairs.

Tuesday, under the direction of Yonckin, workmen employed by the Elbert construction company, which is building the tower, began removal of the coping and masonry courses of stone down to the cornice.

"It is nearly emergency work," Yonckin said. "We are going to replace the stone that might possibly fall and hurt somebody."

During the process of construction and expansion, he said the pressure was first against the main structure, and then being transmitted, it heaved itself and the lower cornice pieces, pushing them outward and disturbing the walls out of line.

The wall where the work is being done was found to be two inches out of line when one of the workmen tested the vertical adjustment with a plumb line Tuesday morning.

All the stone being removed will be replaced, excepting that which may be damaged in the process.

Yonckin said they found the mortar in the joints in excellent condition, except at a few joints and only in the stone walls. The pressure used in the expansion joints, they said, had in some instances become hardened.

Yonckin also had men at work re-calling the joints on the terrace floor at the four corners of the building.

The work, he said, would prevent additional damage until the capitol commission decides what permanent repairs must be made.

Star May 13/1928

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#265

CAPITOL INQUIRY GROUP MEETINGS

Minority Report May Be Made By Some of Investigators.

Claims Totalling \$1,870 For Expenses of Probe Are Submitted.

Members of the legislative committee which has charge of the Capitol investigation were in London Monday morning and were to hold a meeting during the afternoon when they expected to review the material presented to them during and since the hearings and possibly prepare their formal report and recommendations.

Chief Counsel Harry Hanson of Omaha had not arrived up to noon. He was expected by J. O'Connell, treasurer, Chairman Ralph Kopper said.

The third report of the special matter was presented to the members of the committee during the morning. Kopper said it would be studied during the afternoon hours and work would be done on the final committee report.

It was indicated that a minority report might also be made by some members of the committee who disagreed with certain details.

Claims amounting to \$1,870.00 for the services of stenographers, shorthand reporters, and scribes were filed with the state auditor during the morning. They cannot be paid until July, however, since the special appropriation will not become available until then.

The claims follow:
Edgar H. Barker, total \$400; for two days reporting of testimony, \$200; for travel expenses of testimony, \$200.

C. P. Hoyle, total \$100.00; for two half days of reporting testimony, \$50; for travel expenses of testimony, \$50.

A. M. Marshall, expert adviser on construction and materials, total \$254.13; salary for 18 days at \$10 a day, \$180; expenses, \$74.13.

For stenographers, Edna Kelly, \$16; Marjorie Peterson, \$23; Stella Gibson, \$25; and Norma Reinhardt, \$26.

MISSOURIA LEGISLATIVE
REFERENCE BUREAU

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#266

CAPITOL FUNDS AUDIT REVEALS RECORDS GOOD

Lester M. Buckley Files His
Report on Condition
of Accounts.

ALL OF THEM BALANCED

All Doubt as to Whether
Irregularities Were Con-
tained Removed for
Good.

There were no misappropriation of funds or other irregularities in the transactions of the capitol commission in the construction of the building, Lester M. Buckley, special auditor, stated in his report to the investigation committee Tuesday after an exhaustive examination of all accounts and disbursements on the capitol from Feb. 21, 1919 to April 30, 1929.

All of the original vouchers checked with the books, the accountant found. The report also stated that the footings of the capitol commission fund and the auditor's books balanced on April 30, 1929, and that these figures check with the record kept by the state treasurer.

A summary of receipts and expenditures as given:

Receipts from taxation	\$7,601,623.65
Receipts from capitol commission	29,650.84
Total receipts	\$7,631,274.49
Warrants issued	\$7,350,494.54
Balance of April 30, 1929	\$280,779.95

Auditor's Report.

Mr. Buckley's preliminary statement to the capitol commission in his audit removes any doubt that there was misappropriation of funds. His report:

"The capitol commission, classified records of receipts and expenditures in detail with vouchers and records in the state auditor's office and a reconciliation was effected between state and auditor's books and the books of the capitol commission. We also checked all expenditures to the minutes of the proceedings of the capitol commission and found that all disbursements had been regularly received by the capitol commission

NEBRASKA LEGISLATIVE REFERENCE BUREAU.

and were found to have been turned over to the state treasurer as required by law.

"We found that all vouchers covering estimates of contractors and other materials and supplies purchased were all audited and approved by Mr. Younkin, clerk of the works, and a committee of the capitol commission before being approved for payment.

"The advertising for bids, the bids submitted, and the awarding of contracts were completely spread upon the minutes of the commission. Likewise all extras and credits on contracts are found entered upon the minutes, and all details concerning same are in the files.

"The capitol commission records are in my opinion very complete. The minutes of the proceedings of the commission indicate that all matters both large and small were correctly handled.

"It is my opinion that all disbursements were correct and proper."

LESTER M. BUCKLEY

The auditor included in his report expenditures under various subheads, which were further analyzed down to itemized accounts. The expenditures listed under the various subheads are:

Miscellaneous	\$3,469.42
Railroad	93,369.84
Wrecking old capitol	49,642.81
Temporary heating and maintenance	43,170.07
Architectural and engineering expenses	438,332.77
Construction costs	6,430,247.30
Furniture and furnishings	177,621.43

Total expenditures \$7,320,843.70

Committee Adjourns.

The probe committee which met with Senator Kryger, chairman, for two days will probably adjourn Tuesday afternoon. The next meeting will be held the latter part of this month, probably May 25. Senator Kryger had no idea as to the date when the group would submit its report as there is a tremendous amount of detailed evidence and testimony to be studied, and said that it is apt to require a great length of time. Their final report should for all time settle the disputes as regards irregularity in the construction of the building, he said, and the members feel that a thoro study is necessary.

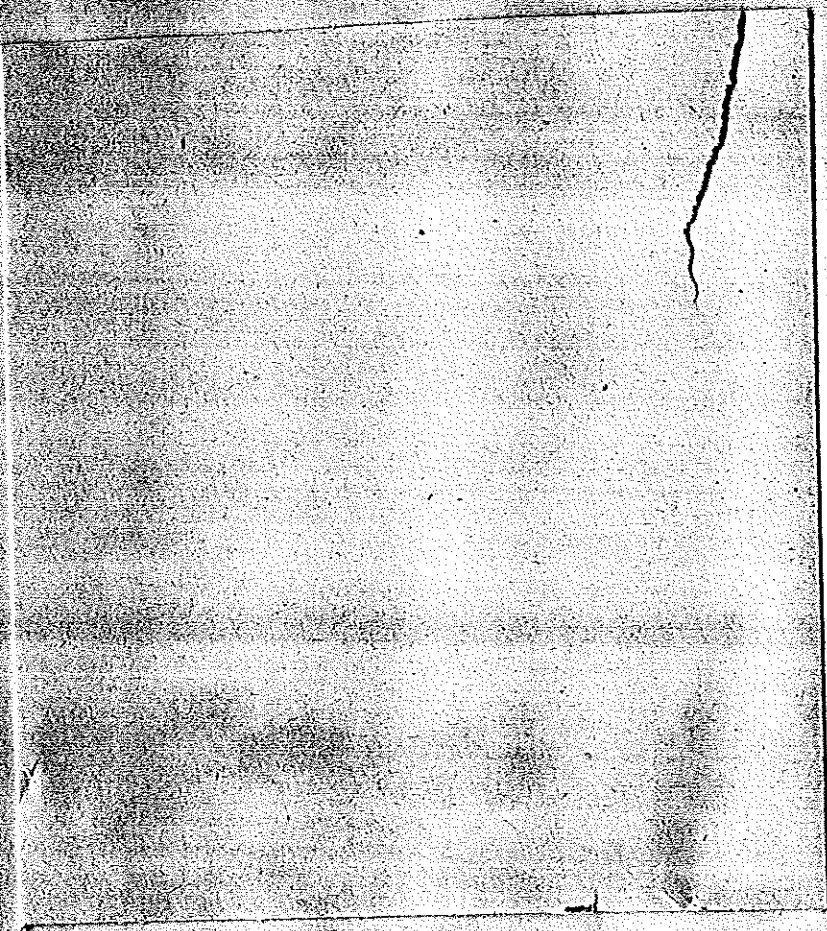
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#267

Report of Capital
Investigating Committee

NEBRASKA LEGISLATIVE
REFERENCE BUREAU



TEXT OF LEGISLATIVE PR

STONE ABLE TO CARRY 28 TIMES ITS BURDEN

Goodhue Found to Have Made Change in Texture for Effect.

CHANGE IN PRICE CITED

Lincoln, Neb., June 3 (AP).—The text of the majority report on the state capitol, made by five members of the legislature investigating committee, follows:

In the months of February and March, 1929, there was published in the Omaha Bee-News of Omaha, Neb., a series of articles in which it was claimed in substance that there were serious defects in materials and workmanship in the new building, that the supervision and inspection had been faulty and that the materials and workmanship did not conform to specifications embodied in the contracts.

During the publication of these articles the house and senate of the 1929 session of the legislature passed separate resolutions providing for appointment of this investigating committee, in which the committee was charged to make "a fair, impartial and exhaustive investigation into the condition of said capitol building; to examine, study and review all contracts, undertakings and acts entered into by any and all persons whatsoever in connection with, or appertaining to, directly or indirectly, the construction of said building or any other matter relating thereto.

Johnson Charges Cited.

At the initial meeting of this committee, on the third day of April, 1929, George E. Johnson filed in writing certain charges, in which he alleged in substance that Francis S. Mayers of the architect's office, representatives of the Indiana Quarries company, representatives of the Henry Struble Cut Stone company and William Younkin, clerk of the works of the state capitol building, entered into a conspiracy in the year of 1922, and defrauded the state of Nebraska out of many thousands of dollars of money by agreeing, furnishing and erecting, and certifying for payment a cheaper grade of stone that the state had purchased, that the capitol commission in the year 1924, knowingly and willfully re-employed the aforesaid Mr. Mayers and his assistants after the capitol commission had found that conspiracy had existed, that the capitol commission had accepted and paid for stone in the walls of the state capitol building that were broken, that the commission knowingly and willfully defrauded the state of Nebraska out of many thousands of dollars by accepting the marble in the state

much as other materials that were being used in government and state buildings for similar purposes.

Parapet Alleged Defective.

Fred Carey, representative of the Omaha Bee-News also at the initial meeting of the committee filed written charges in which he alleged in substance that the parapet walls around the terrace on the top of the first story of the capitol building were going to pieces, that the terrace floor was in poor condition and leaking in many places; that many large stones in the walls of the capitol building were cracked and broken; that the marble columns on the main floor of the building and the marble paneling in the state library were cracked and broken; that the ventilating system was deficient; that the legislature had limited the cost of the new building to five million dollars and that the estimated cost of the building and grounds would not be less than \$9,625,000; that the acoustic tile was expensive and unsatisfactory, that the tile floor inside the main north entrance was going to pieces, that the plaster throughout the corridors was badly cracked; that stone in the walls were badly dislocated and were not uniform as to texture and color and that the capitol commission in one instance had rejected a bid of 28 thousand dollars for electrical work and shortly afterward let the contract to the same firm for \$46,990.

This committee held public hearings in the governor's hearing room beginning April 3, 1929, and ending April 16, 1929. More than six hundred pages of testimony were taken and the same has been preserved for future references through the use of the senate and house employes and other competent stenographic help.

(See Vol. 11., of transcript of evidence). Witnesses and Reports Listed.

George E. Johnson and Fred Carey testified and offered evidence in support of their charges; Walter H. Head, member of the Nebraska state capitol commission; Judge W. H. Thompson, also a

member of the state capitol commission; Ex-Governor Samuel R. McKelvie, Ex-Governor Charles W. Bryan, and Ex-Governor Adam McMullen, all of whom were members of the capitol commission during their respective terms as governor; Francis S. Mayer of the Bertram G. Goodhue associates; Roy E. Cochran, state engineer and secretary and member of the state capitol commission and William Younkin, clerk of the works, also testified and offered evidence in refutation of the charges.

Other witnesses who were called and testified were: Prof. Clark E. Mickey, Lincoln, Neb., member of the faculty of the University of Nebraska; Seth J. Temple, architect, Davenport, Ia.; Thomas R. Kimbell, architect, Omaha, Neb.; Alan McDonald, architect, Omaha, Neb.; Elery Davis, architect, Lincoln, Neb.; J. M. Alexander, building contractor, Lincoln, Neb., and Prof. A. H. Kimball of Ames, Ia., architect employed by the committee.

Iretus W. Jacobi, former member of the legislature, also filed charges and testified. Prof. A. H. Kimball, architect, and Lester M. Buckley, also filed with the committee written reports.

(See Vol. 11., transcript of evidence).

On July 22, 1922, the capitol commission entered into a contract with the Henry Struble Cut Stone company for furnishing, cutting and setting on No. 1 buff Indiana limestone for the first section of the superstructure of the Nebraska state capitol. The architect's specifications for facing stone were as follows:

All facing stone specified or shown on drawings shall be of a light cream color building stone, free from all defects that would materially impair the strength, durability or appearance.

It shall have a test analysis at least approximately the following ingredients, strength, toughness, etc., to average 50 per cent lime, with a satisfactory portion of silica; a very small proportion of iron oxide, sulphur and magnesia is allowable, provided these do not in any way impair the strength or appearance.

The ultimate overage strength of the stone shall be tested under compression to approximately four thousand pounds per square inch.

In submitting estimate, the contractor shall state the name of facing stone and quarry upon which his proposal is based. In quarrying the stone the blocks shall be so selected that any variations in color

permitted by the architect will be uniformly distributed throughout the exposed surfaces of the walls and other portions of the work.

In addition to these specifications an addenda letter had been sent out to all bidders as follows:

3—All stone proposed to be furnished by any cut stone contractor must be in strict accordance with the specifications. No consideration can be given to the acceptance of material of inferior grade where such material runs in different textures and colors.

Goodhue Sought Variation.

The stone was to be furnished, cut, delivered and set into the building by the contractor under the supervision of the architect and the J. H. Wiese company for the lump sum of \$633,739.

After the contract had been let and before any material had been gotten out at the quarry Mr. Goodhue decided to use for aesthetic effect, stone that varied in texture and color, using a ruff, coarse textured stone, coarsely sawed, in the lower courses of the outer walls and grading to a finer smoother texture stone, finely sawed, at the top of the structure.

Mr. Goodhue, to accomplish this purpose, sent Mr. Mayers, who was then his employe and office manager, to the Indiana quarry to make a selection of the kind and character of the stone desired by him for the Nebraska building. Mr. Mayers spent a good deal of time with Mr. Struble, the cut stone contractor, in making selections of stone to carry out the ideas of Mr. Goodhue.

Three grains of stone were selected, known to the trade as coarse or "rustic" buff stone, "standard" buff stone, and "select" buff stone. Mr. Mayers also arranged with the contractor to have some of the stone "gang-sawed," some "diamond-sawed," some "wire-sawed" and some "shot-sawed," so as to bring out the

ROBBER'S' CAPITOL REPORT

rustic effects desired by Mr. Goodhue.

Sample Wall as Precaution.
As a precaution a sample wall was constructed at the quarry of a large number of blocks of stone showing the color, texture, quality and finish and the sample wall was photographed, one photograph being sent to the capitol commission at Lincoln and one being sent to the architect's office in New York City.

The committee finds that the above plan and arrangement was a deviation from the plans and the specifications of the contract, but that the same was satisfactorily adjusted as hereinafter set forth, and the committee finds further that the capitol commission apparently was not consulted by Mr. Goodhue and was not informed as to the plan, purpose and design of Mr. Goodhue in using the three grains of stone for the effect, as heretofore stated.

Stone Questioned and Upheld.
When the stone arrived a question arose as to whether or not it complied with the specifications and the contract. It was contended by some that the stone which qualified as coarse or rustic buff stone, was a stone of inferior grade and quality, and that it did not comply with the contract specifications and was not suitable for use in the capitol building.

Mr. Goodhue at the time was in Europe and Mr. Mayers was at the New York office. It was later contended by Mr. Goodhue during the investigation, which occurred in February and March of 1923, that all three grains of stone, the rustic, the standard, and the select buff, came within the specifications as "No. 1 buff colite limestone." Mr. Struble, the cut stone contractor, made the same contention, and it was contended by Mr. Goodhue

that the use of the coarse, rustic buff stone and the standard buff stone intermixed with the select buff stone, was desirable as giving to the building a better appearance and that the "rustic and standard buff stone was not of an inferior grade, although it did have a different grain and texture and was not of uniform color.

It may be noted that according to standard authorities in the trade, the difference in rustic, standard and select buff stone is as follows: select stock much more uniform in color and texture than the other grains and is used in those portions of the building within ready range of vision, for carving, sculpturing and certain interior work and other special uses.

It is generally considered as unnecessary if not wasteful expense to specify select stone for the entire exterior of the average building; that the difference in texture between select and standard stock is rather slight, that the standard stock is the standard produce of the quarries, constituting the bulk of the total output.

It is thoroughly sound stone having a range of variation in color, shades and texture not found in select stock; that the rustic stock is only available in buff color has some variation, color, tone and texture, having a wider range, of granular formation than either standard or select stock.

The rustic stock is particularly suitable for the sawed ashlar facing of walls and for that purpose may, to advantage, be combined with trimming of either standard or select stock.

The coarse, rustic stock is not generally to be recommended to take the place of standard or select for the portions in the building on which there is much cutting and moulded work, on account of its

texture and hardness with resultant increase in cost of cutting.

Stone Selection O. K. in 1923.
The committee finds that the matter was thoroughly gone into in the investigation conducted by the capitol commission in February and March, 1923, and apparently settled to the satisfaction of everybody concerned including Mr. Johnson.

It was developed at that hearing, however, that the three grains of stone had a different market value, that select buff stone was selling at 75 cents per cubic foot, that standard buff was selling at 70 cents per cubic foot and that coarse or rustic buff stone was selling at 45 cents per cubic foot.

It was therefore contended by members of the capitol commission, and others, that the contract and specifications contemplated the use of select buff stone only and that if the architect desired the use of coarse buff stone and standard buff stone, which varied in texture and color and which had a lower market price value there should be an adjustment in the contract price.

On this feature of the investigation, the capitol commission found as follows:

"Fourth. It is the opinion of the members of the commission and it is their best judgment that the remainder of the terraced wall of the capitol building be finished and completed with the same grain, color and texture of stone which is now being used in the building, as the members of the commission believe that the stone now being used is of good material, very artistic and with the exception of color and texture, complies with all requirements of the specifications as originally drawn by the architect and as submitted to the bidders.

Adjustment in Price Made.
"Fifth. The commission believes,

after a thorough investigation and examination of representatives of the various quarries, that stone known, as "coarse buff" stone is now selling at 45 cents per cubic foot, and that stone known as "standard" is selling at 70 cents per cubic foot, and that stone known as 'select buff' is selling at 75 cents per cubic foot, and inasmuch as all three above described grains of stone are now being used in the construction of the capitol building in order to get the desired effect, and since the walls of the building as now being constructed, are for all purposes as good as though 'select buff' stone had been used throughout; the commission is agreed that the contractor, for supplying the stone in the first section of the building, should credit his account against the state or the capitol commission with the difference between the average price of all

for Effect.

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Johnson Charges Cited.

"At the initial meeting of this committee, on the third day of April, 1929, George E. Johnson filed in writing certain charges, in which he alleged in substance that Francis S. Mayers of the architect's office, representatives of the Indiana Quarries company, representatives of the Henry Struble Cut Stone company and William Younkin, clerk of the works of the state capitol building, entered into a conspiracy in the year of 1922, and defrauded the state of Nebraska out of many thousands of dollars by agreeing, furnishing and erecting, and certifying for payment a cheaper grade of stone that the state had purchased, that the capitol commission in the year 1924, knowingly and wilfully re-employed the aforesaid Mr. Mayers and his assistants after the capitol commission had found that conspiracy had existed, that the capitol commission had accepted and paid for stone in the walls of the state capitol building that were broken, that the commission knowingly and wilfully defrauded the state of Nebraska out of many thousands of dollars, by accepting the marble in the state library and six of the main columns of the building knowing that these materials were broken and defective, that the capitol commission had wilfully proceeded with the plans for construction of the outer walls of the building knowing that the plans for said walls were defective, and knowing that said walls would break and disintegrate, that the capitol commission was guilty of squandering more than a million dollars of money for gulfstone tile and had accepted this material without competition, knowing that it was costing the state from eight to nine times as

around the terrace on the top of the first story of the capitol building were going to pieces, that the terrace floor was in poor condition and leaking in many places; that many large stones in the walls of the capitol building were cracked and broken; that the marble columns on the main floor of the building and the marble paneling in the state library were cracked and broken; that the ventilating system was deficient, that the legislature had limited the cost of the new building to five million dollars and that the estimated cost of the building and grounds would not be less than \$9,625,000; that the acoustic tile was expensive and unsatisfactory, that the tile floor inside the main north entrance was going to pieces, that the plaster throughout the corridors was badly cracked; that stone in the walls were badly dislocated and were not uniform as to texture and color and that the capitol commission in one instance had rejected a bid of 28 thousand dollars for electrical work and shortly afterward let the contract to the same firm for \$46,990.

This committee held public hearings in the governor's hearing room beginning April 3, 1929, and ending April 16, 1929. More than six hundred pages of testimony were taken and the same has been preserved for future references through the use of the senate and house employes and other competent stenographic help.

(See Vol. 11., of transcript of evidence).

Witnesses and Reports Listed.

George E. Johnson and Fred Carey testified and offered evidence in support of their charges; Walter H. Head, member of the Nebraska state capitol commission; Judge W. H. Thompson, also a

capitol commission and William Younkin, clerk of the works, also testified and offered evidence in refutation of the charges.

Other witnesses who were called and testified were: Prof. Clark E. Mickey, Lincoln, Neb., member of the faculty of the University of Nebraska; Seth J. Temple, architect, Davenport, Ia.; Thomas R. Kimball, architect, Omaha, Neb.; Alan McDonald, architect, Omaha, Neb.; Elery Davis, architect, Lincoln, Neb.; J. M. Alexander, building contractor, Lincoln, Neb., and Prof. A. H. Kimball of Ames, Ia., architect employed by the committee.

Iretus W. Jacobi, former member of the legislature, also filed charges and testified. Prof. A. H. Kimball, architect, and Lester M. Buckley, also filed with the committee written reports.

(See Vol. 11., transcript of evidence).

On July 22, 1922, the capitol commission entered into a contract with the Henry Struble Cut Stone company for furnishing, cutting and setting on No. 1 buff Indiana limestone for the first section of the superstructure of the Nebraska state capitol. The architect's specifications for facing stone were as follows:

All facing stone specified or shown on drawings shall be of a light cream color building stone, free from all defects that would materially impair the strength, durability or appearance.

It shall have a test analysis at least approximately the following ingredients, strength, toughness, etc., to average 50 per cent lime, with a satisfactory portion of silica; a very small proportion of iron oxide, sulphur and magnesia is allowable, provided these do not in any way impair the strength or appearance.

The ultimate coverage strength of the stone shall be tested under compression to approximately four thousand pounds per square inch.

In submitting estimate, the contractor shall state the name of facing stone and quarry upon which his proposal is based.

In quarrying the stone the blocks shall be so selected that any variations in color

tion can be given to the of material in interior of such material shall be texture and color. Goodhue says to be cut, delivered and set building by the contractor the supervision of the and the J. E. Weiss co. the lump sum of \$523,700.

After the contract let and before any material been gotten out at the Mr. Goodhue decided that aesthetic effect, stone ried in texture and color a ruff, coarse texture coarsely sawed, in the courses of the outer grading to a finer texture stone, finely the top of the structure.

Mr. Goodhue, to accomplish purpose, sent Mr. Mayer was then his employe manager, to the Indiana make a selection of the character of the stone for him for the Nebraska building. Mayer spent a good deal with Mr. Struble, the contractor, in making selection of stone to carry out the design of Goodhue.

Three grains of stone selected, known to the coarse or "rustic" buff stone, Mr. Mayer ranged with the contractor some of the stone "gathered" some "diamond-sawed," "wire-sawed" and some "sawed," so as to bring

three grains of the said stone, which is 61 2/3 cents per cubic foot, the present price of select buff, or No. 1 buff oolitic Indiana limestone, or a total of \$14,666.66.

"The commission is also agreed that on the second and third sections of the capitol building, that it, the commission, should have the option, under its contract with the Indiana quarries, to use, if it so desires, 'course buff stone' at 45 cents per cubic foot, 'standard' at 70 cents per cubic foot, or 'select buff or No. 1 buff oolitic Indiana limestone' at 75 cents per cubic foot.

Can Carry 28 Times Its Load.

The adjustment was agreed to and this committee finds that, with the exception of a few stones which had been placed in the building previous to the investigation in 1923, and about two carloads of stone which were rejected by the capitol commission as falling below the specifications of course or rustic buff stone, and which had not gone into the building, the stone used in the Nebraska capitol building, generally, conforms to the specifications and the contract as made and as adjusted by the capitol commission, and that the same has been furnished at the prices above indicated.

The committee finds that the coarse, rustic buff stone has a compressive strength equal to the strength required by the specifications, to-wit: Four thousand pounds per square inch. The committee finds further that the greatest actual compressive weight on any of the stone in the capitol is about 165 pounds per square inch and that the stone in the building would carry 28 times as much weight as there is upon it.

The committee does find, however, that in the first section of the capitol building there are a few pieces of stone, particularly in the walls of the court, which are too coarse in texture to qualify under the grain or grade of "rustic" stone, and that these pieces of stone should not have been used. Porosity and absorption of moisture are important items in stone work. The coarse rustic stone absorbs much more moisture than select stone, and if the stone is too coarse there will be more porosity and more rapid disintegration, due to the action of freezing. The rustic or very coarse grain, because of its porosity, is also apt to become badly stained, due to accumulation of soot and dirt.

Conspiracy Not Sustained.

It is the opinion of the committee that the charge "that Mr. Mayers, representative of the Indiana Quarries company; representatives of Henry Struble Cut Stone company and William Younklin, clerk of the works, entered into a conspiracy to defraud the state, in agreeing to accept stone not within the strict letter of the specifications," is not sustained.

This committee is of the opinion that Mr. Goodhue should not have disregarded the specifications for No. 1 buff facing stone without consulting with the capitol commission and getting approval of the capitol commission, and without first discussing fully with the capitol commission the question as to whether or not the state would be entitled to a reduction in price, if approximately one-third of the facing stone to be used in the building

3. Possibility of slight freezing of mortar at the time of setting.

4. Under central rotunda, from vibration caused during erection of tower above.

The committee finds that five or six stones on the outside have been patched and according to the specifications such patched material should not be used and the stone should be removed and relaid with perfect pieces.

It is the opinion of the committee, that if the capitol commission had placed an inspector at the quarries in Indiana, a greater uniformity of texture in materials could have been obtained. The committee finds that the stone used in the second and third sections is more uniform in color and texture than that used in the first section. This may be due to some extent to the investigation of the 1923 legislative committee.

Terrace Floor

and Parapet Walls of First Story.

This committee has taken considerable evidence as to the condition of the exterior terrace and parapet walls and finds that it contains the greatest defect in the entire building. It is quite apparent that the architects and the engineers did not give sufficient attention to the problem of contraction and expansion caused by temperature changes.

The public should know that at the time the architect's plans for the exterior terrace and parapet walls were adopted, George E. Johnson was state engineer and secretary to the capitol commission. Expansion of the concrete terrace has brought about pressure against the stone in the outer parapet walls and forced the stone out of place, resulting in cracked stone and water leaks.

We here quote from the 1923 committee's report and incorporate it in this, our report:

Your committee realizes that the capitol commission is composed of men of integrity, ability, business experience and of high standing. They have served without pay, and have given much time and attention to their duties. They have been frequently compelled to neglect their private affairs in order to properly perform their duties and that they must rely upon the architect in matters requiring technical knowledge of building.

Expansion Joints Sound.

According to such information as the committee has been able to obtain, good engineering construction requires a minimum of one inch of expansion to one hundred feet of concrete floor construction. The length of each side of the building, of the outer construction, is 437 feet and there was provided for expansion approximately four and one half inches, which would be the minimum of expansion.

Many of the expansion joints became filled with debris, which made expansion impossible. Also the material placed in the expansion joints became hardened, which also made expansion impossible.

Terrace Rebuilding Urged.

Trouble with the terrace began to show up in 1926 and as the joints opened, moisture which would freeze, increased the dam-

mend that steps be taken to properly maintain the completed sections of the building and that it be determined when maintenance cost begins and construction costs ends. We do not believe it is expected of, nor is it the duty of the capitol commission to maintain the completed sections of the building from construction funds. The capitol commission and the custodian of the building should have a thorough and complete understand-

The committee finds that the coarse, rustic buff stone has a compressive strength equal to the strength required by the specifications, to-wit: Four thousand pounds per square inch. The committee finds further that the greatest actual compressive weight on any of the stone in the capitol is about 125 pounds per square inch and that the stone in the building would carry 28 times as much weight as there is upon it.

The committee does find, however, that in the first section of the capitol building there are a few pieces of stone, particularly in the walls of the court, which are too coarse in texture to qualify under the grain or grade of "rustic" stone, and that these pieces of stone should not have been used. Porosity and absorption of moisture are important items in stone work. The coarse rustic stone absorbs much more moisture than select stone, and if the stone is too coarse there will be more porosity and more rapid disintegration, due to the action of freezing. The rustic or very coarse grain, because of its porosity, is also apt to become badly stained, due to accumulation of soot and dirt.

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This committee is of the opinion that Mr. Goodhue should not have disregarded the specifications for No. 1 buff facing stone without consulting with the capitol commission and getting approval of the capitol commission, and without first discussing fully with the capitol commission the question as to whether or not the state would be entitled to a reduction in price, if approximately one-third of the facing stone to be used in the building should be coarse, rustic buff stone.

Broken Stones Censured.

The committee finds that there are several broken stones both in the interior and exterior walls of the building. The percentage is not large, being about one hundred individual broken stones out of about 200 thousand stones used in the building. Although it is difficult to avoid entirely hairline breaks and cracks in the stone it is to be regretted that there are the above number of broken stones in the building. We do not believe the cracked or broken stones impair the structural qualities of the building, as they are facing stones only.

The interior broken stones may have been caused by the following:

1. Shrinkage of mortar, thus causing an uneven bed joint.
2. Unequal expansion and contraction due to temperature vari-

not give sufficient attention to the problem of contraction and expansion caused by temperature changes.

The public should know that at the time the architect's plans for the exterior terrace and parapet walls were adopted, George E. Johnson was state engineer and secretary to the capitol commission. Expansion of the concrete terrace has brought about pressure against the stone in the outer parapet walls and forced the stone out of place, resulting in cracked stone and water leaks.

We here quote from the 1923 committee's report and incorporate it in this, our report:

Your committee realizes that the capital commission is composed of men of integrity, ability, business experience and of high standing. They have served without pay, and have given much time and attention to their duties. They have been frequently compelled to neglect their private affairs in order to properly perform their duties and that they must rely upon the architect in matters requiring technical knowledge of building.

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Many of the expansion joints became filled with debris, which made expansion impossible. Also the material placed in the expansion joints became hardened, which also made expansion impossible.

Terrace Rebuilding Urged.

Trouble with the terrace began to show up in 1926 and as the joints opened, moisture which would freeze, increased the damage. It is the opinion of this committee that the terrace floor and the parapet walls above the terrace floor and in some place below the terrace floor will have to be reconstructed. It is the opinion of the committee that the capitol commission should give very careful study to the condition of the terrace floor and the parapet walls, that the best expert opinion should be obtained, and that the terrace should be so constructed that no trouble will arise in the future. On this point the committee recommends to the capitol commission a careful study of the recommendations made by Prof. A. H. Kimball.

The committee finds that a great deal of the trouble in the terrace floor and parapet walls was due to lack of proper maintenance of the same. We recom-

mend that steps be taken to properly maintain the completed sections of the building and that it be determined when maintenance cost begins and construction costs ends. We do not believe it is expected of, nor is it the duty of the capitol commission to maintain the completed sections of the building from construction funds. The capitol commission and the custodian of the building should have a thorough and complete understand-

Journal, June 4, 1929

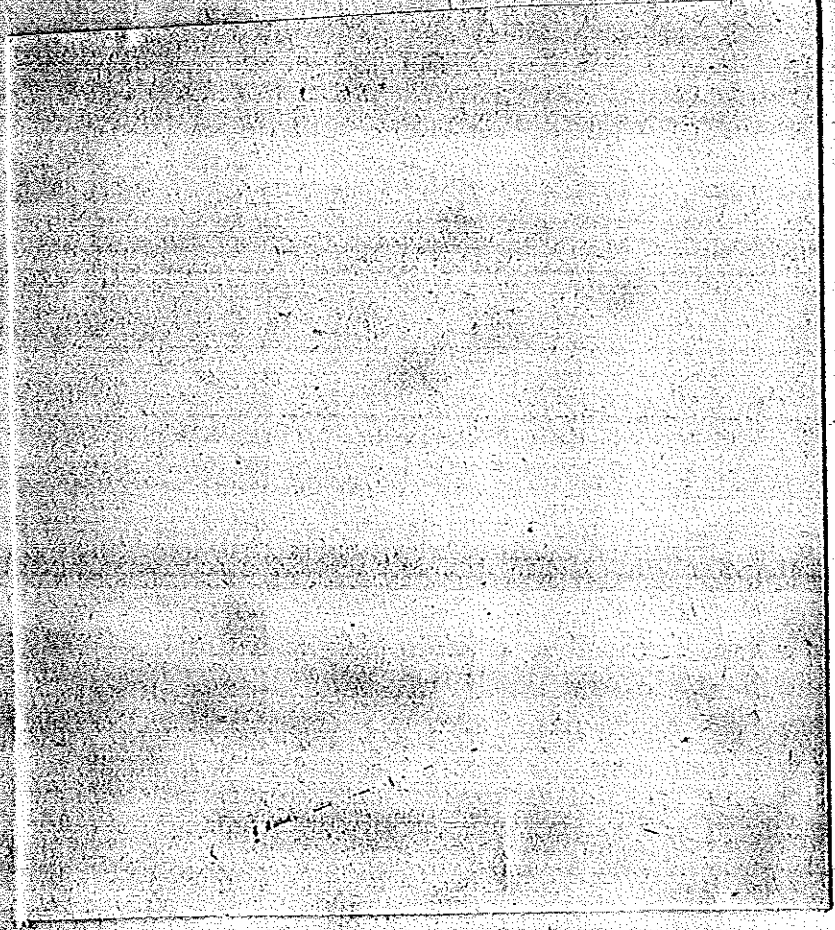
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Report of Capital
Investigating Committee

NEBRASKA LEGISLATIVE
REFERENCE BUREAU



The Journal

4, 1929.

THREE CENTS in Lincoln and 5-Mile Limits.
FIVE CENTS Elsewhere

ON EXONERATED

JONES TO MISSOURI

M. McIntosh Succeeded Him as Head of Friendless Society

W. L. Jones, for the past four years superintendent of the Friendless, and his assistants, resigned their positions Thursday for Kansas, where Dr. Jones will continue his work of the society in the Missouri districts.

At the Nebraska society meeting here a year ago to choose Dr. D. M. McIntosh to fill the position of Dr. and Mrs. Jones. Dr. Jones here a year ago to work for pastors and for the months has also assisted Jones in his work. For a year before, coming to Lincoln, McIntosh was pastor of the Presbyterian church at Lincoln, Colo., immediately before coming to Lincoln and previous to his engagement in work of the Friendless in Missouri. He was recently invited to take part in the program of the Friends' association at its annual meeting in Toronto, Canada, in August.

MOBILE INTO A DITCH

Two Women Killed, One Injured Near Batavia, O.

Lincoln, O.—(AP)—Three persons and two women, were instantly and ten other persons were injured near here early Monday. A bus bound from Cincinnati to Columbus hooked wheels on a mobile and both went into a ditch, the three dead being under the bus. The dead were Mrs. E. C. Ireton of Marietta, and Mrs. Lucy B. Irwin, of Pittsburgh, Pa., passengers of the bus. Seven persons were taken to Cincinnati hospitals and the others were released. Extent of their injuries is undetermined.

BALDWIN READY TO BOW TO WILL OF BRITISH VOTE

Prime Minister of England to Tender Resignation to King Today.

MEANS LABOR GOVERNMENT

Ramsay MacDonald in Line to Form a New Ministry—To Profit by Experience.

LONDON—(AP)—Stanley Baldwin, prime minister of England since October, 1924, and conservative party leader, Monday bowed to the will of the nation as expressed in the general elections Thursday without unnecessary delay. He will take the resignation of his government Tuesday to King George, on his sickbed at Windsor Castle.

After consultation with the members of his cabinet Monday afternoon, the premier solved the dilemma confronting the conservatives in parliament by resigning power and leaving the way open for the second labor government in England's history. Official announcement that Mr. Baldwin had placed the resignation of his ministry in King George's hands, was expected Tuesday or Wednesday.

His decision, debated during the week-end at the official country residence of British premiers, "Chequers," puts an end to much speculation about the immediate political future of Great Britain.

Chooses Direct Method

There had been rumors that Mr. Baldwin would prefer to face parliament at the head of his cabinet June 25, and thereby force the liberals who hold the balance of

New President of Rotary International



DALLAS, Tex.—Eugene Newsom of Durham, N. C., was named president of Rotary International for the coming year at the closing session of that organization's twentieth annual convention here Friday, May 31.—P. and A.

THE WEATHER.

Nebraska: Partly cloudy Tuesday and Wednesday, with possibly widely scattered thundershowers in north and east portions; slightly warmer Tuesday and east and central portions.

Iowa: Partly cloudy Tuesday and Wednesday; slightly warmer.

South Dakota: Mostly unsettled Tuesday and probably Wednesday with local showers; slightly warmer in central portion Tuesday.

Kansas: Partly cloudy Tuesday and Wednesday, possibly unsettled at times; rising temperature.

The 34 degree temperature recorded at Chicago gave that city the lowest high mark Monday. The warmest point was New Orleans with 90 degrees.

RELIEF FOR FARMER RESTS WITH SENATE

Quick Action on Pending Bill

COMMITTEE SAYS NO EVIDENCE OF FRAUD IN WORK

Governor Receives Report After Completion Late Monday.

ALSO GETS FLACK LETTERS

Copies of Epistles Regarding Contractor's Bond Mailed to Executive for Decision.

Finding generally against the charges preferred by George E. Johnson, former state engineer and member of the capitol commission, and also the charges filed by Fred Carey, representative of the Omaha Bee-News, the legislative investigating committee completed its report Monday afternoon and will file a copy with Governor Weaver, members of the capitol commission and members of the legislature. The report consists of twenty-six typewritten pages. The matter of an investigation of the contractor's bond was referred to Governor Weaver.

Declaring the building structurally sound but with minor defects that should be remedied; finding that the capitol commission has not been guilty of any fraud or conspiracy or wilful neglect of duty and predicting that the building when completed will have cost \$10,000,000 and that the people will have value received in a building of which they may well be proud, five members of the investigating committee affixed their signatures to the report. Those signing are Senators Ralph Kryger of Neligh, and Charles J. Warner of Waverly, Representatives Earl Hasselbalch of St. Edward, Harvey P. Eggen of

the society in the
four districts.
the Nebraska so-
lose Dr. D. M. Mc-
McIntosh to fill the
and Mrs. Jones. Dr.
here a year ago to
for pastors and for
months has also as-
ed in his work. For
efore, coming to Lin-
Intosh was pastor of
esbyterian church at

held a pastorate at
Colo., immediately be-
to Lincoln and previ-
ved in work of the
he Friendless in Mon-
as recently invited to
the program of the
son association at its
Toronto, Canada, in

LEAF INTO A DITCH

Two Women Killed Other Injured Near Atavvia, O.

O.—(P)—Three per-
and two women, were
ily and ten other per-
lar here early Mon-
bus bound from Cin-
lumbus hooked wheels
mobile and both went
the three dead being
r the bus. The dead
rs. E. C. Ireton of Mar-
rd Mrs. Lucy B.
y, of Pittsburgh, Pa.,
of the bus. Seven
were taken to Clin-
is and the others
Extent of their in-
undetermined.

MENTIONMENT IS ERED IN HOUSE

aiding for Census w Allotment of representatives tirs Body.

STON—(P)—The ques-
tting its seats among
to correspond to the
population that had oc-
curred the 1910 census
house Monday as it took
the census and reappor-
tation.
proposals for changes
but there were no in-
what support could be
er them. Advocates of
d measure described it
lar to the two bills
the census and reap-
passed separately by
last year.
ure provides for a re-
1930 population count
at the opening of the
on of the Seventy-first
for an automatic re-
house seats if action
by congress.
ative Rankin of Missis-
ing democrat on the
ntiree opposed the au-
the census and reap-

Prime Minister of England Resignation to King Today.

MEANS LABOR GOVERNMENT

Ramsay MacDonald in Line to Form a New Min- istry—To Profit by Experience.

LONDON—(P)—Stanley Baldwin,
prime minister of England since
October, 1924, and conservative
party leader, Monday bowed to the
will of the nation as expressed in
the general elections Thursday
without unnecessary delay. He
will take the resignation of his
government Tuesday to King
George, on his sickbed at Windsor
Castle.

After consultation with the mem-
bers of his cabinet Monday after-
noon the premier solved the dilem-
ma confronting the conserva-
tives in parliament by resigning
power and leaving the way open
for the second labor government in
England's history. Official an-
nouncement that Mr. Baldwin had
placed the resignation of his min-
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His decision, debated during the
week-end at the official country
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speculation about the immediate
political future of Great Britain.

Chooses Direct Method.

There had been rumors that Mr.
Baldwin would prefer to face par-
liament at the head of his cabinet
June 25 and thereby force the lib-
erals who hold the balance of
power with their fifty-seven seats
in the house, to choose between
supporting a government headed by
a conservative premier or a labor
premier.

The premier chose the more di-
rect method of resignation at Che-
quers on Sunday, and when he
reached No. 10 Downing street
Monday afternoon he had reached a
decision. He explained his reasons
to his colleagues, of whom a major-
ity were already in favor of the
course he indicated.

When Mr. Baldwin sees the king
it is expected he will advise his
majesty to summon Ramsay Mac-
Donald, premier of the first labor
government in 1924, to form a new
ministry. With 287 seats out of 615
in the house of commons Mr. Mac-
Donald commands the strongest
single party in the house, tho he is
21 votes short of a majority over
all other parties. Mr. MacDonald
is fully ready to accept the task of
governing. He will find it much
easier than he found it five years

Continued on Page 11, Col. 2.

MORNING FIRE IN HOSPITAL.

Patients at Chicago Be- lieved to Have Been Taken Out.

CHICAGO—(P)—(Tuesday)—Fire
broke out early Tuesday at the Chi-
cago General hospital at Diversey



DALLAS, Tex.—Eugene Newsom
of Durham, N. C., was named pres-
ident of Rotary International for
the coming year at the closing ses-
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Quick Action on Pending Bill

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duty and predicting that the build-
ing when completed will have cost
\$10,000,000 and that the people will
have value received in a building
of which they may well be proud,
five members of the investigating
committee affixed their signatures
to the report. Those signing are
Senators Ralph Kryger of Waverly,
and Charles J. Warner of Waverly,
Representatives Earl Haeselbalch
of St. Edward, Harvey R. Essam of
Beatrice, Walter M. Burr of Jun-
ata.

"I cannot assent to the report in
its entirety," said Senator Harry
K. Easton of Omaha, "and it is my
intention to prepare a separate re-
port to file within a few days."
Senator Easton came to the com-
mittee meeting with a minority re-
port. It was understood some
things he insisted upon were in-
corporated in the report, and he
said he would rewrite his original
report. Will Ritchie of Omaha is
reputed to have aided Senator
Easton in preparing his intended
dissenting report.

Commission on Bond.

The committee referred to Gov-
ernor Weaver for whatever action
he may care to take the matter of
a report that an insurance agent
paid a commission for the privilege
of writing the capitol contractor's
bond on the contract for the sec-
ond section of the building.

Walter W. Head, member of the
capitol commission, now living in

Continued on Page 2, Col. 1.

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ALSO GETS FLACK, LETTERS

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Continued on Page 2, Col. 1.

NO EVIDENCE OF FRAUD IN WORK

Governor Receives Report After Completion Late Monday.

Continued from Page 1.

Chicago, but who retains his legal residence in Omaha and membership on the capitol commission, had written Chairman Kryger that he would donate \$2,500 to help pay expenses of a further hearing by the committee if it would subpoena George C. Flack of Omaha, and Walter A. Sinclair, formerly an Omaha insurance man now living in Chicago, and place them under oath to testify regarding a letter which Mr. Sinclair is alleged to have written to Mr. Flack, and a letter by Flack to the committee. Copies of these letters together with a letter from the legislative committee and a copy of the committee's report, will be placed before Governor Weaver Wednesday by Representative Hasselbalch, who said he would return to Lincoln for that purpose.

Mr. Sinclair's alleged letter, a copy of which the committee will deposit with its report to the governor, purports to tell of Mr. Sinclair having been forced to pay a commission of 20 percent to the Omaha Trust company, that a bond for the contractor on the second section was also furnished by the Omaha Trust company, and that the profit on the two transactions was \$15,000. In another letter alleged to have been written by Sinclair reference is made to his payment of \$5,000 to the trust company. Mr. Flack is alleged to have been the recipient of two letters from Sinclair.

Refers it To Governor.

The legislative committee refers to these documents in the following communication which it prepared Monday addressed to Governor Weaver, the committee's letter bearing date of May 31:

"You will find enclosed herewith a letter of George C. Flack of Omaha, Neb., dated May 16, 1929, addressed to Judge Sandall, Mr. Sandall's reply thereto, under date of May 22, also the photostat copies of W. A. Sinclair's letters, referred to by Mr. Flack, bearing date of April 29 and May 20.

Mr. Flack, by his letter of May

investigation committee certain matters which he claims constitute irregularities in the matter of contractors securing their indemnity bonds.

When the committee first met it was decided that all complaints should be in writing and signed and sworn to, and a date was set when such complaints should be filed. The committee felt that unless the complaints were in writing and that unless a date was set for the filings, that the work of the committee would be prolonged indefinitely. A great deal of publicity was given to the public as to the time for filing complaints and also as to their form. When the investigation committee met on May 25 we were for the first time, advised of Mr. Flack's objections. The committee had intended to draft their final report on this date and had agreed upon practically all of the facts and prepared a report.

This committee feels that if the Flack complaint was to have been considered by it, the complaint should have been filed and sworn to as other complaints.

Leave it To Weaver.

The members of the committee also received a letter under date of May 30, 1929, from Mr. Head, in which he advises the committee that he has learned thru the newspaper reports that Mr. Flack appeared before a recent meeting of our committee with a letter purporting to have been written by Mr. Sinclair. He earnestly invites the members of the committee to make a thorough and exhaustive inquiry relative to the same. Mr. Head also suggests that he would be glad to pay, from his own resources, the expense involved up to \$2,500, provided the committee will subpoena Messrs. Flack and Sinclair and will see to it that these gentlemen are present and placed on the witness stand on the date set for the inquiry.

The expense of the capital investigation has been much greater than the committee anticipated and the amount allotted by the legislature has been expended. The committee feels that if an inquiry is to be made into this matter, it should not be at the expense of the person charged. We also feel that the matter is within the personal knowledge of the members of the capitol commission and that it would not be proper for this committee to continue its investigation longer, as we feel that our duties ended some few weeks ago, when all evidence had been received and submitted.

We therefore, respectfully turn over to you, as chairman of the capitol commission, all of the within enclosures, for whatever attention and consideration the same may be entitled to."

In closing their report the five

gating committee say:

"This committee finds that with the exception of the defects herein before referred to the Nebraska capitol is structurally sound and is considered by all experts as an outstanding, magnificent building; we believe that when the building is completed the people of Nebraska will have a capitol of which they may well be proud and altho the state will have spent approximately \$10,000,000 for the same it will have value received for the money so spent; that the capitol commission should correct all defects in construction and materials, from the construction fund; that the building should not be permitted to any time deteriorate from lack of care or maintenance; that a competent engineer should be employed to properly take charge of extensive mechanical equipment in the building and that he should have adequate assistants and sufficient funds for such maintenance, that adequate inspectors should be employed to aid the clerk of the works in the administration of supervision of construction and that there should be periodical inspection and reports on the condition of the building by a consulting engineer.

Not Guilty of Fraud.

This committee finds that the capitol commission has not been guilty of any fraud or conspiracy or willful neglect of duty and that all the charges in that respect are totally unsupported by evidence. That the records and proceedings of the capitol commission have been turned over to the state treasurer as required by law. That all advertising spread upon the minutes of the commission and the commission's records are very complete.

This committee invites a careful review of this report and all the evidence taken to the end that some profit may be gained thereby and in order that it may assist as much as possible in the completion of the building and in producing an enduring structure for this and generations yet to come.

Findings of Committee.

The committee report and findings include a history of the former investigation made by the legislature in 1923, then, as now, on charges filed by George E. Johnson, former state engineer and member of the capitol commission by virtue of his appointment to the engineership by Governor McKelvie. Also charges by Fred Carey, representative of the Omaha Bee-News. The charges of Mr. Johnson contain allegations of fraud and conspiracy by the capitol commission in 1924 to defraud the state out of many thousands of dollars. Acceptance of stone of poor quality, texture, grain and color, was alleged. It was also alleged that the stone and material cost the state from eight to nine times as much as other materials that were being used in government and state buildings for similar purposes.

More than 600 pages of testimony were taken in the recent hearing. The list of witnesses is given in the report, including former governors who were members of the capitol commission, engineers, builders, architects and Prof. A. H. Kimball, of Ames, Ia., architect employed by the committee. C. E. Sandall of York served as attorney for the commission, having been assigned to that duty by At-

stones may have been caused following: 1. Shrinkage of mortar causing an uneven bed joint. 2. Equal expansion and contraction temperature variation. 3. Possible freezing of mortar at time of setting. 4. Under central rotund vibration caused during erection of above.

Defects in Parapet.

The committee finds that five stones on the outside have been patched and according to the specification the patched material should not be used. The stone should be removed and replaced with perfect pieces.

It is the opinion of the committee if the capitol commission had paid an inspector at the quarries in order to obtain greater uniformity of texture and color the materials could have been obtained. The committee finds that the stone in the second and third sections is not uniform in color and texture that is due to some extent to the investigation of the 1923 legislative committee.

This committee has taken considerable evidence as to the condition of the terrace and parapet walls. It finds that it contains the greatest amount of water in the entire building. It is quite apparent that the architects and the contractor did not give sufficient attention to the problem of contraction and expansion caused by temperature changes. The public should know that at the time the architect's plans for the exterior terrace and parapet walls were adopted, G. E. Johnson was the state engineer and secretary to the capitol commission. The expansion of the concrete terrace has brought about pressure against the stone in the outer parapet walls, forcing the stone out of place, resulting in cracked stone and water leaks.

We here quote from the 1923 committee's report and incorporate it in our report:

"Your committee realizes that the capitol commission is composed of men of integrity, ability, business experience and high standing. They have served without pay, and have given much attention to their duties. They have been frequently compelled to neglect their private affairs in order to properly perform their duties and that they rely upon the architect in matters requiring technical knowledge of building."

Lack of Expansion.

According to such information as committee has been able to obtain, engineering construction requires a minimum of 1 inch of expansion to 100 feet of concrete floor construction. The length of each side of the building, of the construction, is 437 feet and there is provided for expansion approximately 1/2 inches which would be the minimum expansion. Many of the expansion joints became filled with debris which made expansion impossible. Also the material placed in the expansion joints became hardened, which also made expansion impossible. Trouble with the terrace began to show up in 1924 and as the joints opened moisture which would freeze increased the damage. It is the opinion of this committee that the terrace floor and the parapet walls above the terrace floor and in some places below the terrace floor will have to be reconstructed. It is the opinion of the committee that the capitol commission should give careful study to the condition of the terrace floor and the parapet walls that the best expert opinion should be obtained and that the terrace should be so constructed that no trouble will arise in the future. On this point the committee recommends to the capitol commission careful study of the recommendations made by Prof. A. H. Kimball.

Lack of Maintenance.

The committee finds that a great deal of the trouble in the terrace floor and parapet walls was due to lack of proper maintenance of the same. We recommend that steps be taken to properly maintain the complete sections of the building and that it be determined when maintenance cost begins and construction costs end. We do not believe it expected of, nor is it the duty of the capitol commission to maintain the completed sections of the building from construction funds. The capitol commission and the custodian of the building should have a thorough and complete understanding of the duties of each and should work in perfect harmony.

It is the opinion of the committee that if it develops that there are certain necessary changes or alterations to be made to the completed section of the building, the cost of such change or alterations should be paid for from the construction fund.

We recommend that the terrace floor and parapet walls be given immediate attention and that the necessary repairs and alterations be of a permanent character.

Marble Quality.

A good deal of time has been devoted by this committee to the charge of defective marble in the building and in the main floor of the building and in the marble panelling or wainscoting on the second floor in the state library. It was contended that the marble, both in the



Beginning

bers of the legislative investigating committee say. This committee finds that with exception of the defects herein referred to the Nebraska capitol is structurally sound and is considered by all experts as an outstanding, magnificent building; we say that when the building is completed the people of Nebraska will be proud and altho' they will have spent approximately \$10,000,000 for the same it will be a value received for the money spent; that the capitol commission should correct all defects in construction and materials, from construction fund; that the building should not be permitted to deteriorate from lack of repair or maintenance; that a competent engineer should be employed properly take charge of extending mechanical equipment in the building and that he should have adequate assistants and sufficient funds for such maintenance, that adequate inspectors should be employed to aid the clerk of the works in the administration of supervision of construction and that there should be periodical inspection and report on the condition of the building by a consulting engineer.

Not Guilty of Fraud.

This committee finds that the capitol commission has not been guilty of any fraud or conspiracy or willful neglect of duty and that the charges in that respect are entirely unsupported by evidence. The records and proceedings of the capitol commission have been turned over to the state treasurer as required by law. That all records spread upon the minutes of the commission and the commission's records are very complete. This committee invites a careful review of this report and all evidence taken to the end that no profit may be gained thereby in order that it may assist as far as possible in the completion of the building and in producing a lasting structure for this and generations yet to come.

Findings of Committee.

The committee report and findings include a history of the former investigation made by the legislature in 1923, then, as now, charges filed by George E. Johnson, former state engineer and member of the capitol commission in virtue of his appointment to the membership by Governor McKelvey. Also charges by Fred Carey, representative of the Omaha Beehives. The charges of Mr. Johnson contain allegations of fraud and conspiracy by the capitol commission in 1924 to defraud the state of many thousands of dollars. Acceptance of stone of poor quality, texture, grain and color, was alleged. It was also alleged that the stone and material cost the state from eight to nine times as much as other materials that were being used in government and state buildings for similar purposes.

More than 600 pages of testimony were taken in the recent hearing. The list of witnesses is given in the report, including former governors who were members of the capitol commission, engin-

stones may have been caused by the following: 1. Shrinkage of mortar thus causing an uneven bed. 2. Unequal expansion and contraction due to temperature variations. 3. Possibility of slight freezing of mortar at time of setting. 4. Under central rotunda from vibration caused during erection of tower above.

Defects in Parapet.

The committee finds that five or six stones on the outside have been patched and according to the specifications such patched material should not be used and the stone should be removed and replaced with perfect pieces.

It is the opinion of the committee that if the capitol commission had placed an inspector at the quarries in Indiana, a greater uniformity of texture in materials could have been obtained. The committee finds that the stone used in the second and third sections is more uniform in color and texture than that used in the first section. This may be due to some extent to the investigation of the 1923 legislative committee.

This committee has taken considerable evidence as to the condition of the exterior terrace and parapet walls and finds that it contains the greatest defect in the entire building. It is quite apparent that the architects and the engineers did not give sufficient attention to the problem of contraction and expansion caused by temperature changes. The public should know that at the time the architect's plans for the exterior terrace and parapet walls were adopted, George E. Johnson was the state engineer and secretary to the capitol commission. The expansion of the concrete terrace has brought about pressure against the stone in the outer parapet walls and forced the stone out of place, resulting in cracked stone and water leaks.

We here quote from the 1923 committee's report and incorporate it in this, our report:

"Your committee realizes that the capitol commission is composed of men of integrity, ability, business experience and of high standing. They have served without pay, and have given much time and attention to their duties. They have been frequently compelled to neglect their private affairs in order to properly perform their duties and that they much rely upon the architect in matters requiring technical knowledge of building."

Lack of Expansion.

According to such information as the committee has been able to obtain, good engineering construction requires a minimum of 1 inch of expansion to 100 feet of concrete floor construction. The length of each side of the building, of the outer construction, is 437 feet and there was provided for expansion approximately 4 1/2 inches which would be the minimum of expansion. Many of the expansion joints became filled with debris which made expansion impossible. Also the material placed in the expansion joints became hardened, which also made expansion impossible. Trouble with the terrace began to show up in 1924 and as the joints opened moisture which would freeze increased the damage. It is the opinion of this committee that the terrace floor and the parapet walls above the terrace floor and in some places below the terrace floor will have to be reconstructed. It is the opinion of the committee that the capitol commission should give very careful study to the condition of the terrace floor and the parapet walls that the best expert opinion should be obtained, and that the terrace should be so constructed that no trouble will arise in the future. On this point the committee recommends to the capitol commission a careful study of the recommendations made by Prof. A. H. Kimball.

Lack of Maintenance.

The committee finds that a great deal of the trouble in the terrace floor and parapet walls was due to lack of proper maintenance of the same. We recommend that steps be taken to properly maintain the completed sections of the building and that it be determined when maintenance cost begins and construction costs end. We do not believe it is expected of, nor is it the duty of, the capitol commission to maintain the completed sections of the building from construction funds. The capitol commission and the custodian of the building should have a thorough and complete understanding of the duties of each and should work in perfect harmony.

It is the opinion of the committee that if it develops that there are certain necessary changes or alterations to be made to the completed section of the building, the cost of such changes or alterations should be paid for from the construction fund. We recommend that the terrace floor and parapet walls be given immediate attention and that the necessary repairs and alterations be of a permanent character.

Marble Quality.

The state library are a very fine selection of marble and that a very beautiful effect has been accomplished. In this respect Prof. A. H. Kimball, of Ames, Iowa, testified as follows: "The different marbles selected for the columns in the rotundas and paneling in the law library all belong to group 'C'. That being the case seams, geological flaws, voids, veins, and lines of separation are all permissible, and any amount of staining, waxing and filling may be used. It is plainly evident that the architect did not stick to his specifications, and as a result chose marbles of inferior structural properties but of superior decorative qualities. "There is no question as to the beauty of the marbles selected inasmuch as no case do the marbles serve any purpose other than a decorative one, there is no reason to question the durability of the material. From the standpoint of price alone I have checked the marble contractor's estimates and find that he is paying \$1.50 per square foot for Napoleon gray marble panels, such as found in lower corridors and washrooms and \$3.05 per square foot for 'Group C' marbles as used in the law library. The former marble compares exactly with the architect's specifications as regards perfect slabs, etc., but is lacking in a high degree of beautiful coloring and decorative qualities."

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Various reasons have been given for the growing cost of the building. The committee finds from the evidence presented that the building as planned could never have been erected within the estimate of \$5,000,000. The size and character of the structure together with the materials used give a high unit cost of construction. Also the cost of construction, from the evidence introduced, has increased about 7 percent during the last seven years.

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Seams Minor Importance.

"With reference to the large columns, there are evident fault lines that seem to indicate structural breaks; in the case of three columns there are well defined filled seams. Whether the same extend thru the columns is difficult to determine. There is no method other than taking the columns down and that is a procedure of questionable advantage. It is true that monolithic columns are much more expensive than those cut up into several drums. It is my opinion that these column seams are of minor importance and I recommend that the seams that have been mutilated be filled with wax.

"In the case of the marble wainscoting in the law library there is no reason to question the method of patching employed. Good practice demands that cavities that have to be filled with wax shall be neatly done so as not to be noticeable. There are very many wide seams which are filled with a material which does not match in color the rest of the pieces. The result is very evident and is to be deplored.

"The architect apparently sacrificed structural stability in order to get a certain aesthetic effect. Many of the wide patches are already checked and in time will fall out and leave an unsightly appearance.

"There are certain items of maintenance relative to the marble pavement in the north rotunda which should be given attention. Apparently pieces of marble in the pattern work in the floor are loose or else improperly bedded. The same should be checked over, regouted and put in first class condition. If left, the pieces will become broken, lift out, and destroy the beauty of the patterns.

"We urge that the capitol commission make a careful inquiry into this matter before finally accepting the marble. A monumental building such as the Nebraska capitol should permit nothing but No. 1 workmanship and is clearly entitled to the same under the terms of its contract.

Guastivino Tile Justified.

"With respect to the charge that the capitol commission had squandered more than a million dollars of state money for Guastivino tile and accepting this material without competition when the commission knew that it was costing the state from eight to nine times as much as other materials that are being used in government and state buildings for similar purposes, this committee begs leave to report that this matter was thoroughly gone into by the legislative investigating committee of 1923.

"Representatives of other materials appeared before the 1923 investigating committee and testified on behalf of their materials, and Architect Bertram G. Goodhue gave his reasons for preferring Guastivino tile to any other acoustic material then on the market. The 1923 investigating committee refused to recommend the use of any particular kind of acoustical material but expressed the opinion that there were other and much cheaper makes of acoustical material on which bids should be invited and expressed the opinion that the capitol commission could make a saving of many thousands of dollars to the state on acoustic material if it should see fit to invite bids on the various kinds of such material now being used in other public buildings.

This committee has made a careful inquiry into the matter of acoustic tile and finds that the capitol commission could not have squandered "a million dollars of state money for Guastivino tile" for the very obvious reason that the total cost of the tile used in the Nebraska state capitol does not exceed

ranged from \$1.15 per cubic foot to nearly \$3 per cubic foot. The Nebraska capitol has a cubage of about 5,000,000 cubic feet and if the ultimate cost of the building will be from \$3,000,000 to \$10,000,000 the cost would be a little over \$1 per cubic foot. It will thus be seen that the unit cost of the Nebraska capitol building is lower than similar buildings being erected in the country.

Governor McMullen, in his message to the legislature in 1923, said that the total cost of the building including the furniture and landscaping would not exceed \$10,000,000. Secretary Roy E. Cochran testified that the building with furniture and landscaping should be completed for \$9,550,000.

Various reasons have been given for the growing cost of the building. The committee finds from the evidence presented that the building as planned could never have been erected within the estimate of \$5,000,000. The size and character of the structure together with the materials used give a high unit cost of construction. Also the cost of construction, from the evidence introduced, has increased about 7 percent during the last seven years.

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...ver, the committee's letter bearing date of May 31:
 You will find enclosed herewith a letter of George C. Flack of Omaha, Neb., dated May 16, 1929, addressed to Judge Sandall, Mr. Sandall's reply thereto, under date of May 22, also the photostat copies of W. A. Sinclair's letters, referred to by Mr. Flack, bearing date of April 29 and May 20.
 Mr. Flack, by his letter of May

...mittes to continue its investigation longer, all we feel that our duties ended some few weeks ago, when all evidence had been received and submitted.
 We therefore, respectfully turn over to you, as chairman of the capitol commission, all of the within enclosures, for whatever attention and consideration the same may be entitled to."
 In closing their report the five

...vie. Also charges by Fred Caroy, representative of the Omaha Bee-News. The charges of Mr. Johnson contain allegations of fraud and conspiracy by the capitol commission in 1924 to defraud the state out of many thousands of dollars. Acceptance of stone of poor quality, texture, grain and color, was alleged. It was also alleged that the stone and material cost the state from eight to nine times as much as other materials that were being used in government and state buildings for similar purposes.

More than 600 pages of testimony were taken in the recent hearing. The list of witnesses is given in the report, including former governors who were members of the capitol commission, engineers, builders, architects and Prof. A. H. Kimball, of Ames, Ia., architect employed by the committee. C. E. Sandall of York served as attorney for the commission, having been assigned to that duty by Attorney General Sorenson.

Reports on Stone Quality.

In regard to the facing stone and its quality and texture the committee reviews the contracts and specifications for Bedford stone and the various grades and selections made by the architect or his representatives at the quarry. The architect, it finds, had without the knowledge of the capitol commission, desired a mixture of colors and grades. The committee closes an exhaustive report on stone by quoting part of the legislative investigating committee's report in 1923, and adding:

The committee finds that the matter was thoroughly gone into in the investigation conducted by the capitol commission in February and March, 1923, and apparently settled to the satisfaction of everybody concerned, including Mr. Johnson. It was developed at that hearing, however, that the three grades of stone had a different market value, that select buff stone was selling at seventy-five cents per cubic foot, standard buff stone was selling at seventy cents per cubic foot and that coarse or rustic buff stone was selling at forty-five cents per cubic foot. It was therefore contended by members of the capitol commission and others that the contract and specifications contemplated the use of select buff stone only and that if the architect desired the use of coarse buff stone and standard buff stone which varied in texture and color and which had a lower market price value there should be an adjustment in the contract price.

The adjustment of price was agreed to and this committee finds that, with the exception of a few stones which had been placed in the building previous to the investigation in 1923, and about two car loads of stone which were rejected by the capitol commission as falling below the specifications or coarse or rustic buff stone and which had not gone into the building, the stone used in the Nebraska capitol generally conforms to the specifications and the contract as made and as adjusted by the capitol commission, and that the same has been furnished at the prices above indicated.

Of Required Strength.

The committee finds that the coarse, rustic buff stone has a compressive strength equal to the strength required by the specifications, to-wit: four thousand pounds per square inch. The committee finds further that the greatest actual compressive weight on any of the stone in the capitol is about 165 pounds per square inch and that the stone in the building would carry twenty-eight times as much weight as there is upon it.

The committee does find, however, that in the first section of the capitol building there are a few pieces of stone, particularly in the walls of the courts, which are too coarse in texture to qualify under the grain or grade of "rustic stone" and that these pieces of stone should not have been used. Porosity and absorption of moisture are important items in stone work. The coarse rustic stone absorbs much more moisture than select stone and if the stone is too coarse there will be more porosity and more rapid disintegration due to the action of freezing. The rustic or very coarse grain, because of its porosity, is also apt to become badly stained due to accumulation of coal soot and dirt.

Mayers and Younkin Clear.

It is the opinion of the committee that the charge that Mr. Mayers, representative of the Indiana Quarries company

... Lack of Alignment.
 The committee finds that a great deal of the trouble in the terrace floor parapet walls was due to lack of maintenance of the same. We recommend that steps be taken to maintain the completed sections of building and that it be determined maintenance cost begins and continues to end. We do not believe expected of, nor is it the duty of capitol commission to maintain the completed sections of the building from construction funds. The capitol commission and the custodian of the building should have a thorough and complete understanding of the duties of each and work in perfect harmony.

It is the opinion of the committee that if it develops that there are certain necessary changes or alterations to be made to the completed section of the building, the cost of such changes or alterations should be paid from the construction fund.

We recommend that the terrace and parapet walls be given immediate attention and that the necessary repairs and alterations be of a permanent character.

Marble Quality.

A good deal of time has been devoted by this committee to the charge of defective marble in the marble pillars, the main floor of the building and marble paneling or wainscoting on the second floor in the state library. It is contended that the marble, both in pillars and wainscoting, is defective in compliance with the specifications and inferior both as to quality and workmanship. The specifications are in part as follows:

Wall marble shall be cut from perfectly sound stock of the best quality free from flaws, shakes, seams, pockets or other defects. The finished work shall be free from all imperfections and equal in all respects to proved samples. All pieces of marble shall be selected for color, markings, matching, and shall be located accordingly in the work.

Each and every piece shall be selected to the architects' approval if rejected after setting it shall be cut out and replaced by suitable marble without delay or additional cost to the commission. The kinds of marble used shall be as indicated on the drawings and as hereinafter specified for various parts of the work.

The architects reserve the right to change the several kinds of marble called for to other marbles of equal or better quality and of equal cost where so desired.

On page 25, of the specifications, is a long list of marble from which marble for the building was to be selected. The specifications also provide that the marble pillars were to be monolithic form, cut out in one piece from the bottom of the column neck (including moulding if so detailed) capitals to be separate.

Reinforced Where Needed.

According to trade practice the National Association of Marble Dealers adopted a standard specification on the basis of classification for the marble that of characteristics present in the work required in finishing. A full inquiry into this matter reveals the fact that the higher grade marbles, those which are used for general interior decorating, the foreign and more expensive marbles, contain geological voids, veins, and lines of separation that it is standard practice to repair and filling and that "lines" and forms of reinforcement are frequently employed when necessary.

From the list of marbles set out on page 25 of the specifications very few marbles comply with the specifications and these are of the variety used not for decorative purposes but for their structural qualities.

Marble in Rotundas.

With reference to the marble in the Nebraska capitol the testimony of several experts and architects was taken and all agreed that the marble in the rotundas and marbles used



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The adjustment of price was agreed to and this committee finds that, with the exception of a few stones which had been placed in the building previous to the investigation in 1923, and about two carloads of stone which were rejected by the capitol commission as falling below the specifications or coarse or rustic buff stone and which had not gone into the building, the stone used in the capitol generally conforms to the specifications and the contract as made, and as adjusted by the capitol commission, and that the same has been furnished at the prices above indicated.

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The committee does find, however, that in the first section of the capitol building there are a few pieces of stone, particularly in the walls of the court, which are too coarse in texture or quality under the grain or grade of "rustic stone", and that these pieces of stone should not have been used. Porosity and absorption of moisture are important items in stone work. The coarse rustic stone absorbs much more moisture than select stone and if the stone is too coarse there will be more porosity and more rapid disintegration due to the action of freezing. The rustic or very coarse grain, because of its porosity, is also apt to become badly stained due to accumulation of coal soot and dirt.

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It is the opinion of the committee that if it develops that there are certain necessary changes or alterations to be made to the completed section of the building, the cost of such changes or alterations should be paid for from the construction fund. We recommend that the terrace floor and parapet walls be given immediate attention and that the necessary repairs and alterations be of a permanent character.

Marble Quality.

A good deal of time has been devoted by this committee to the charge of defective marble in the marble pillars on the main floor of the building and the marble paneling or wainscoting on the second floor in the state library. It was contended that the marble, both in the pillars and wainscoting, is defective, not in compliance with the specifications and inferior both as to quality and workmanship. The specifications provide in part as follows:

Wall marble shall be cut from perfectly sound stock of the best quality, free from flaws, shakes, dogms, clay pockets or other defects. The finished work shall be free from all imperfections and equal in all respects to approved samples. All pieces of marble shall be selected for color, marking, and matching, and shall be located accordingly in the work.

Each and every piece shall be subjected to the architect's approval, and if rejected after setting it shall be cut out and replaced by suitable material without delay or additional cost to the commission. The kinds of marble to be used shall be as indicated on the details and as hereinafter specified for the various parts of the work.

The architects reserve the right to change the several kinds of marble called for to other marbles of equivalent cost where so desired.

On page 35, of the specifications, there is a long list of marble from which the marble for the building was to be selected. The specifications also provide that the marble pillars were to be "in monolithic form, gotten out in one piece from the bottom of the column to the neck (including moulding if so detailed) capitals to be separate."

Reinforced Where Needed.

According to trade practice the National Association of Marble Dealers has adopted a standard specification. The basis of classification for the material is that of characteristics presented in the work required in finishing. A careful inquiry into this matter reveals the fact that the higher grade marbles, those which are used for general interior decorating, the foreign and more expensive marbles, contain geological flaws, voids, veins, and lines of separation and that it is standard practice to repair nature's shortcomings by stoking, waxing, and filling and that "lines" and other forms of reinforcement are freely employed when necessary.

From the list of marbles set forth on page 26 of the specifications only a very few marbles comply with the specifications, and these are of the cheaper variety used not for decorative purposes but for their structural qualities.

Marble in Rotundas.

With reference to the marble in the Nebraska capitol the testimony of several experts and architects was taken and all agreed that the marble pillars in the rotundas and marbles used in the

for similar purposes, this committee begs leave to report that this matter was thoroughly gone into by the legislative investigating committee of 1923.

Representatives of other materials appeared before the 1923 investigating committee and testified on behalf of their materials, and Architect Bertrand G. Goodhus gave his reasons for preferring Guastivino tile to any other acoustic material then on the market. The 1923 investigating committee refused to recommend the use of any particular kind of acoustical material but expressed the opinion that there were other and much cheaper makes of acoustical material on which bids should be invited and expressed the opinion that the capitol commission could make a saving of many thousands of dollars to the state on acoustic material if it should see fit to invite bids on the various kinds of such material now being used in other public buildings.

This committee has made a careful inquiry into the matter of acoustic tile and finds that the capitol commission could not have squandered a million dollars of state money for Guastivino tile for the very obvious reason that the total cost of the tile used in the Nebraska state capitol does not exceed the sum of \$40,000. This committee in going into this matter finds that although Guastivino tile may not have the actual property of some other materials it has much in its favor when it comes to setting permanency, fire resistance and good appearance in monumental architecture. Guastivino tile is used as a wall finish in elaborate vaulted ceilings primarily for building arches and domes, forming floors ceilings and roofs and is especially suited for the covering of large areas such as domes or vaults in monumental buildings. This material appears to be more economical than any other type of masonry construction because of the minimum amount of material required and the elimination of practically all steel and heavy centering such as used for concrete or brick work. The capitol commission found this to be the case when, thru its architect, it took bids on two kinds of construction for the roof and ceiling over the house of representatives chamber.

From all evidence obtainable Guastivino tile is superior to anything else to be had and this committee is of the opinion that neither Architect Goodhus nor the capitol commission can be justly criticized for using Guastivino tile in preference to any other available material.

Cost of Building.

The committee finds that the ultimate cost of the building, with the furnishings and landscaping of the ground, will be approximately \$10,000,000. The question has been raised frequently, and justly so, as to the reason why the building is costing so much more than the limit fixed by the legislature of 1913. The act of 1913 fixed the cost of the building, without furniture and landscaping, at "not to exceed \$5,000,000."

In his message to the legislature in 1925, Governor Bryan estimated that the cost of the building, including a heat plant at an estimated cost of \$300,000 and landscaping at an estimated cost of \$500,000 would be \$7,940,000. Governor Bryan at that time recommended to the legislature that the special tax levied for the new capitol building be extended to raise the estimated cost of \$7,900,000. The 1925 legislature promptly amended the 1923 act, increasing the limit of cost from \$5,000,000 to \$8,000,000.

In the building trade the cost of a building is estimated at so much per cubic foot. If a building has a total cubage of 5,000,000 cubic feet and the unit cost should be \$1 per cubic foot it would cost \$5,000,000 to erect the building. If the building contained 9,000,000 cubic feet the cost would be \$9,000,000. According to the evidence submitted to the committee the unit cost of monumental building, state and government buildings, in different sections of the country during the past seven years has

The committee finds that the matter was thoroughly gone into in the investigation conducted by the capitol commission in February and March, 1923, and apparently settled to the satisfaction of everybody concerned, including Mr. Johnson. It was developed at that hearing, however, that the three grades of stone had a different market value, that select buff stone was selling at seventy-five cents per cubic foot, standard buff stone was selling at seventy cents per cubic foot and that coarse or rustic buff stone was selling at forty-five cents per cubic foot. It was therefore contended by members of the capitol commission and others that the contract and specifications contemplated the use of select buff stone only and that if the architect desired the use of coarse buff stone and standard buff stone which varied in texture and color and which had a lower market price value there should be an adjustment in the contract price.

The adjustment of price was agreed to and this committee finds that, with the exception of a few stones which had been placed in the building previous to the investigation in 1923, and about two carloads of stone which were rejected by the capitol commission as falling below the specifications or coarse or rustic buff stone and which had not gone into the building, the stone used in the Nebraska capitol generally conforms to the specifications and the contract as made and as adjusted by the capitol commission, and that the same has been furnished at the prices above indicated.

Of Required Strength

The committee finds that the coarse rustic buff stone has a compressive strength equal to the strength required by the specifications, to-wit: four thousand pounds per square inch. The committee finds further that the greatest actual compressive weight on any of the stone in the capitol is about 165 pounds per square inch and that the stone in the building would carry twenty-eight times as much weight as there is upon it.

The committee does find, however, that in the first section of the capitol building there are a few pieces of stone, particularly in the walls of the courts which are too coarse in texture to qualify under the grain or grade of "rustic stone" and that these pieces of stone should not have been used. Porosity and absorption of moisture are important items in stone work. The coarse rustic stone absorbs much more moisture than select stone and if the stone is too coarse there will be more porosity and more rapid disintegration due to the action of freezing. The rustic or very coarse grain, because of its porosity, is also apt to become badly stained due to accumulation of coal soot and dirt.

Mayers and Younkin Clear

It is the opinion of the committee that the charge that Mr. Mayers, representative of the Indiana Quarries company, representatives of Henry Struble Cut Stone company and William Younkin, clerk of the works, entered into a conspiracy to defraud the state, in agreeing to accept stone not within the strict letter of the specifications is not sustained. This committee is of the opinion that Mr. Goodhue should not have disregarded the specifications for No. 1 buff facing stone without consulting with the capitol commission and getting the approval of the capitol commission, and without first discussing fully with the capitol commission the question as to whether or not the state would be entitled to a reduction in price, if approximately one-third of the facing stone to be used in the building should be the coarse, rustic buff stone.

The committee finds that there are several broken stones both in the interior and exterior walls of the building. The percentage is not large, being about 100 individual broken stones out of about 200,000 stones used in the building. Altho it is difficult to avoid entirely hairline breaks and cracks in the stone it is to be regretted that there are the above number of broken stones in the building. We do not believe the cracked or broken stones impair the structural qualities of the building, as they are facing stones only. The interior broken

On page 25 of the specifications, there is a long list of marble from which the marble for the building was to be selected. The specifications also provide that the marble pillars were to be "in monolithic form, gotten out in one piece from the bottom of the column to the neck (including moulding if so detailed) capable to be separate."

Reinforced Where Needed

According to trade practice the National Association of Marble Dealers has adopted a standard specification. The basis of classification for the material is that of characteristics presented in the work required in finishing. A careful inquiry into this matter reveals the fact that the higher grade marbles, those which are used for general interior decorating the foreign and more expensive marbles, contain geological flaws, voids, veins, and lines of separation and that it is standard practice to repair nature's shortcomings by stoking, waxing, and filling and that "lines" and other forms of reinforcement are freely employed when necessary.

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The committee is of the opinion that neither Architect Goodhue criticized for using Cassiopolis tile in preference to any other available material.

Cost of Building

The committee finds that the ultimate cost of the building, with the furnishings and landscaping of the ground, will be approximately \$10,000,000. The question has been raised frequently, and justly so, as to the reason why the building is costing so much more than the limit fixed by the legislature of 1919. The act of 1919 fixed the cost of the building, without furniture and landscaping, at "not to exceed \$5,000,000."

In his message to the legislature in 1925, Governor Bryan estimated that the cost of the building, including a heat plant at an estimated cost of \$300,000 and landscaping at an estimated cost of \$80,000, would be \$7,340,000. Governor Bryan at that time recommended to the legislature that the special tax levied for the new capitol building be extended to raise the estimated cost of \$7,800,000. The 1925 legislature promptly amended the 1925 act, increasing the limit of cost from \$5,000,000 to \$9,000,000.

In the building trade the cost of a building is estimated at so much per cubic foot. If a building has a total cubage of 5,000,000 cubic feet and the unit cost should be \$4 per cubic foot it would cost \$20,000,000 to erect the building. If the building contained 9,000,000 cubic feet the cost would be \$36,000,000. According to the evidence submitted to the committee the unit cost of monumental building, state and government buildings, in different sections of the country during the past seven years has

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#269

Journal, June 6, '29

REPORT ON CAPITOL GOES TO GOVERNOR

Journal, June 6, '29
Hasselbalch Presents It—
Easton Urges a Probe
of Contractor's
Bond.

Representative Earl Hasselbalch of St. Edward, secretary of the committee investigating charges against the capitol commission, presented the committee's report to Governor Weaver Wednesday afternoon. Accompanying the report was a letter from the committee referring the governor the Sinclair and Flack letters regarding an alleged remote connection of Walter Head, member of the capitol commission, with the writing of bonds for the capitol contractor, for whatever action he cares to take. The letter which was published at the time the committee completed its report, gives reasons why the committee refused to reopen the investigation to hear a matter not included in the charges before it when the investigation was started.

Representative Hasselbalch explained to the governor the nature of the committee report, a document which the governor had not had time to read in the newspapers. Governor Weaver also received the minority report of Senator Harry K. Easton of Omaha, member of the investigating committee Wednesday afternoon. Both reports are to be studied by the governor before he makes a decision regarding Senator Easton's request that he investigate the matter of the furnishing of bonds for the capitol contractors. Senator Easton's statement in his report that it will cost \$100,000 to repair the terrace, was rejected by the other five legislators as being a grossly exaggerated estimate. He is also at variance with other committeemen in his assertion regarding the inferiority of material that had been allowed to enter into the building and in his recommendation that the attorney general should investigate the use of material and sue to collect from those responsible.

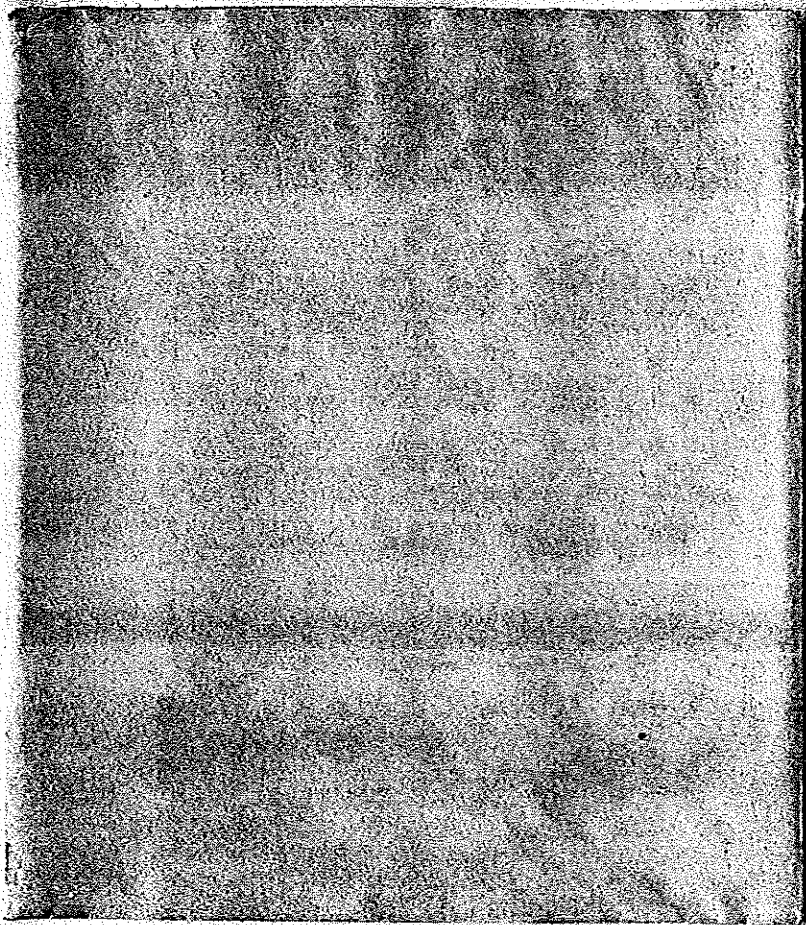
NEBRASKA LEGISLATIVE
REFERENCE BUREAU

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World-Herald, October 27, 1929

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#270



Nebraska
Diamond Jubilee

Omaha World

Sunday

OMAHA, NEBRASKA, OCT.

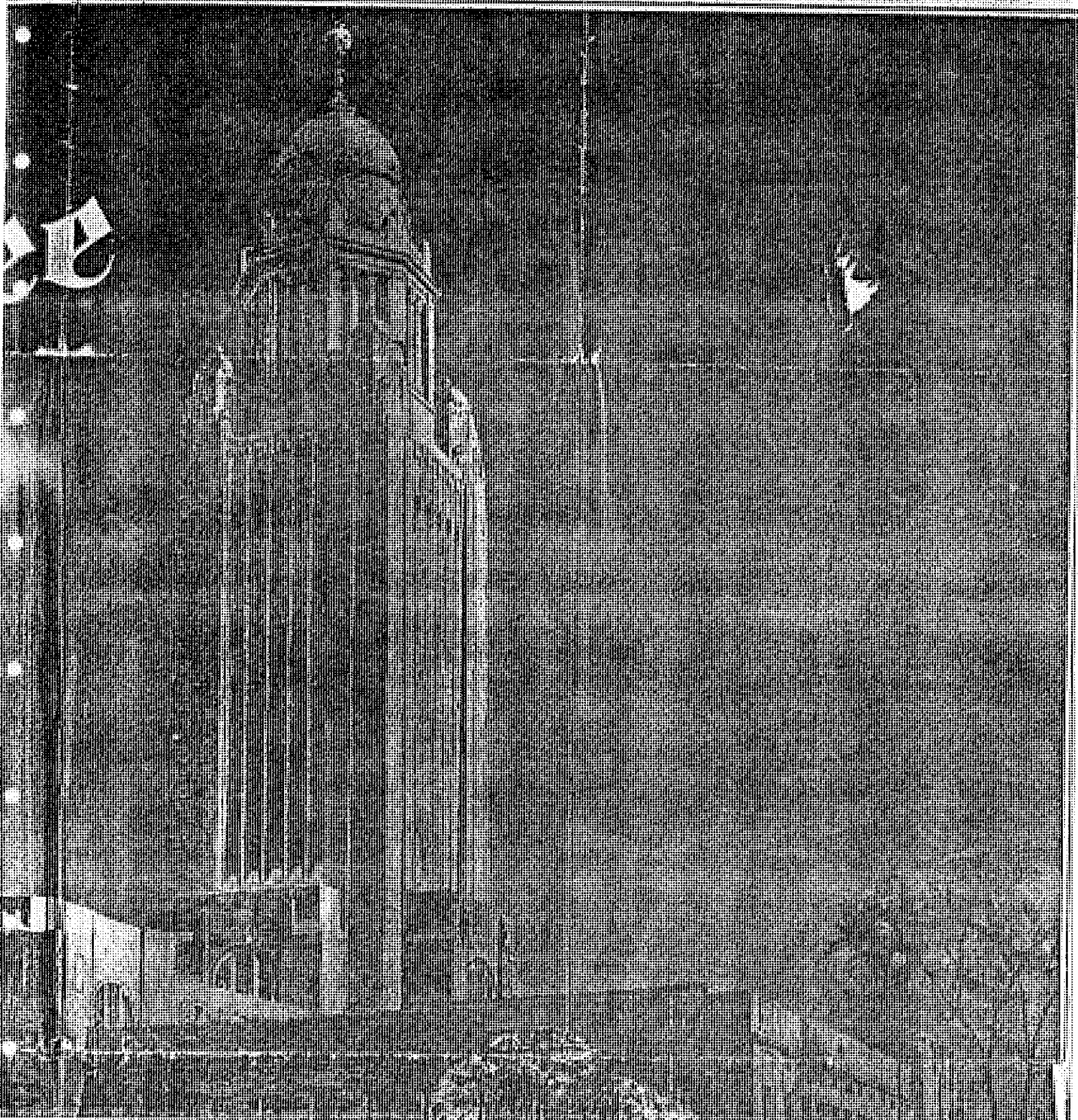
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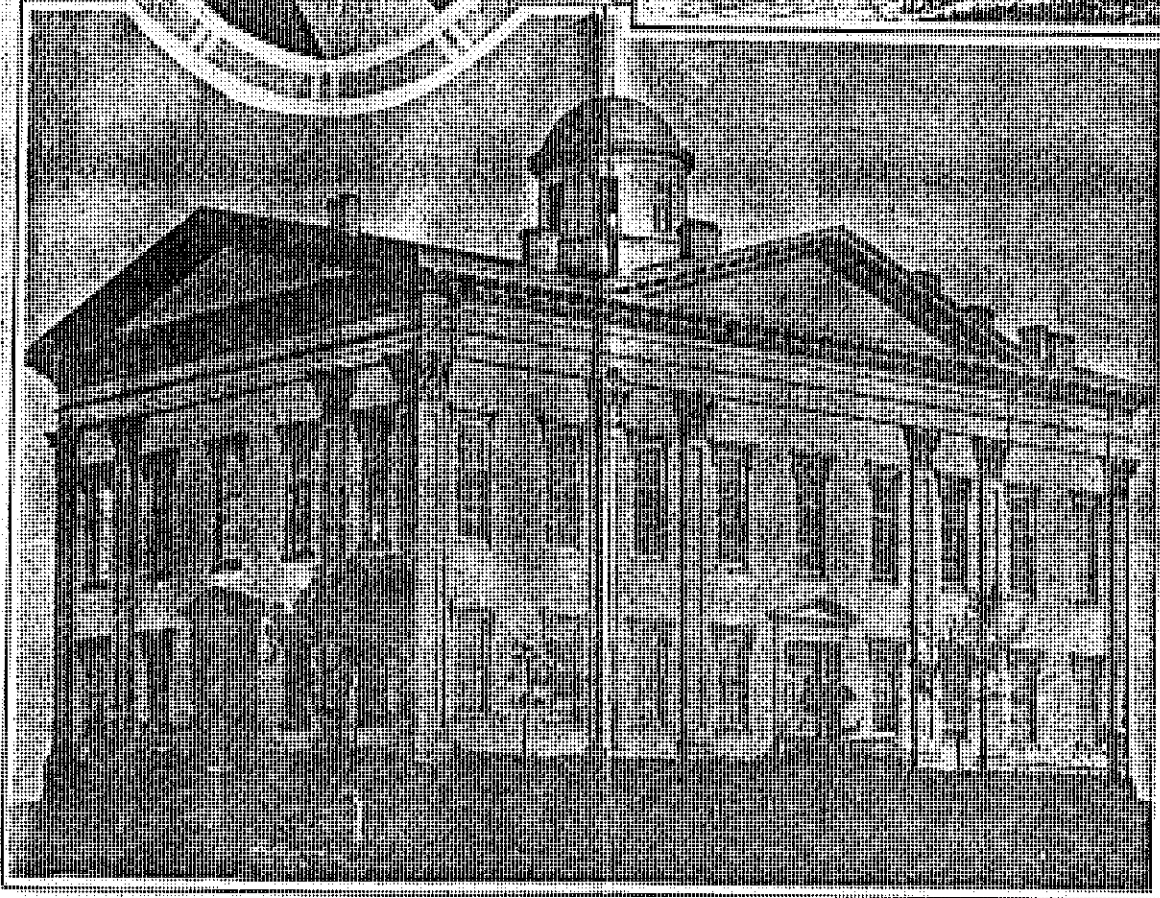
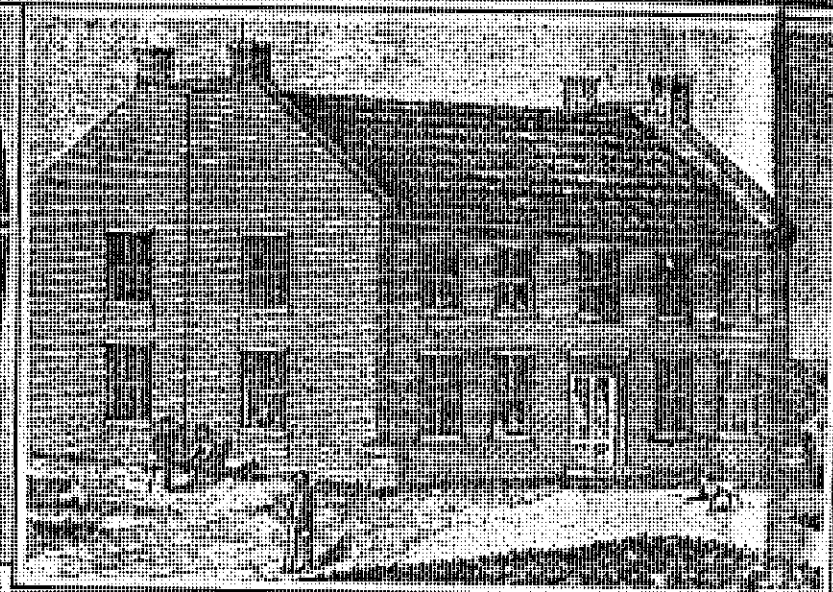
World-Gerald

Sunday

NEBRASKA, OCTOBER 27, 1939.

Rotogravure
Section A



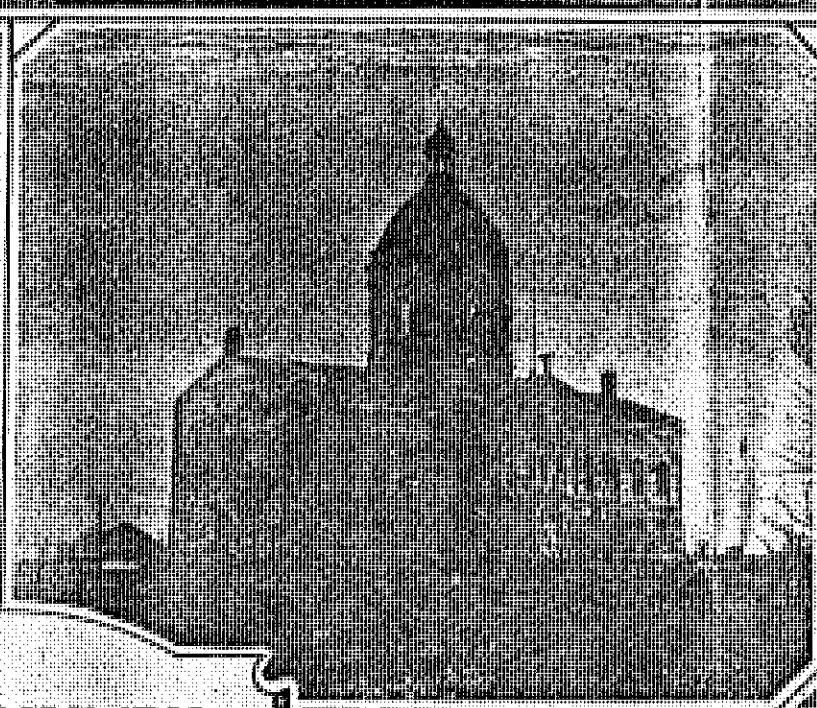
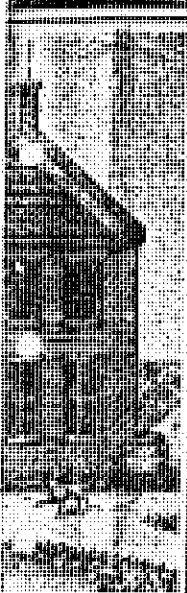
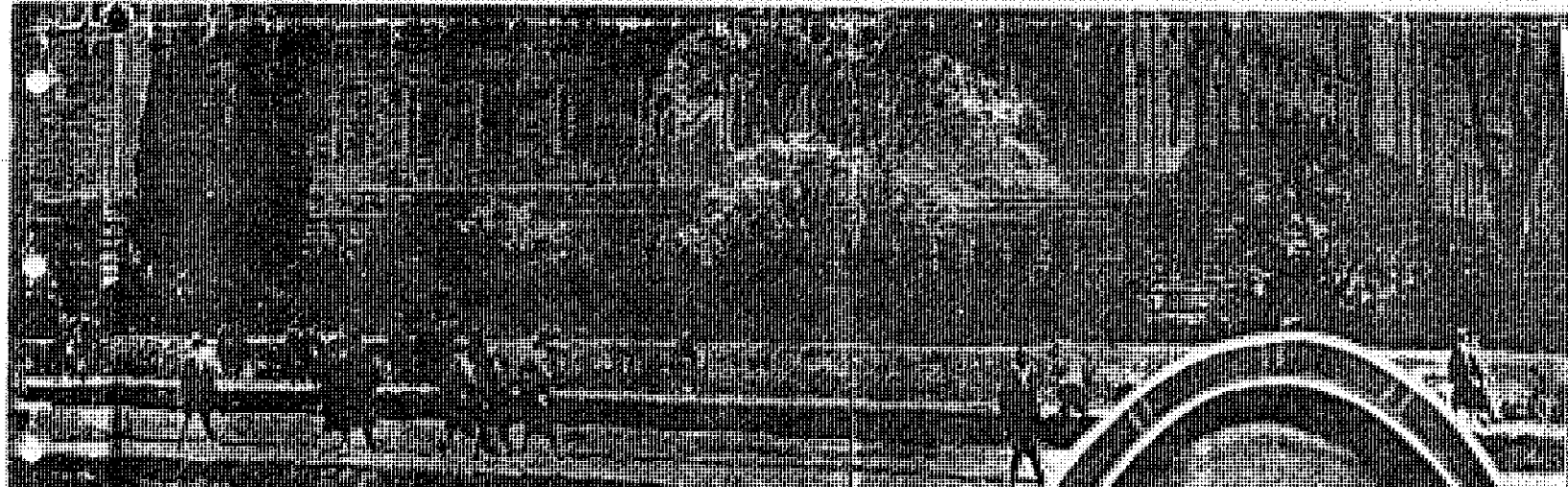


THE TRIUMPH OF A PEOPLE

Above: The magnificence of Mahanah, revealing by beauty not only an indomitable will, but also a distinct type of architecture which the imagination of the whole of the world.

When Francis West (left), social prophet, trade office, state bank building on the city "state house" This was Tenth and Panama streets, a new picture to the right, of the first capitol building which appears here in America as the state office which offices of Arthur J. Wenz governor (extreme right).

Below: A view of the second capitol, built in 1857 in Clay hill where Central High stands. At right, below, is state capitol, erected in 1899 and rebuilt which the new state constructed.



THE TRIUMPH OF A PEOPLE!

Above: The magnificent new capital Nebraska, revealing by its majestic beauty not only an indomitable spirit to a people, but defining a distinctly American style of architecture which has sought a re-creation of the cultural centers of the world.

Below: Francis Burt (left), first territorial governor, took office in 1854, the building at his right was a "State House." This was located at 10th and Farnham streets, Omaha. The building shown at the right, above, shows the first capitol building at Lincoln, which appears here in amazing contrast to the stately edifice which houses the office of Arthur J. Weaver, present governor (extreme right).

Below at left is the second territorial school, built in 1857 in Omaha, on the site where Central High school now stands. At right, below, is the second capitol erected in 1869 at Lincoln and around which the new capitol building was constructed.

