

lawmaking branch of the state government, with a large majority in both houses and a democratic governor ready to place the seal of approval on all democratic legislation the party had a clear track and an open order from the people to redeem all its promises for remedial and progressive legislation.

What was the result?

Some two hundred and two of the avalanche of proposed laws presented to the legislature were enacted, most of them trivial and of small importance, many of them relating to local incidents of no interest to the state at large, numbers of them making room at the public pie-counter for democratic office-seekers and perhaps less than a score of them of any importance to the state generally.

The legislation costs the taxpayers of the state a round one hundred thousand dollars, that being the appropriation for legislative salaries and expenses for the session, or an average of \$1,666 for every day the legislature was in session and an average of \$500 for each law enacted, good, bad or indifferent.

This is the return, apparently, that the people of Nebraska received for the hundred thousand dollars spent on the democratic legislature.

But what did they actually receive? That is "another story."

Results have proven that the democratic party as an organization was so incompetent that a considerable portion of the legislation, enacted at a cost of nearly seventeen hundred dollars a day of the tax-payer's money, has been found fatally defective in the courts, is shown to be contrary to constitutional provisions and is in consequence null and void. Suit after suit followed to annul the careless and unconstitutional acts of the democratic legislature, the latest one being brought to court by Judge J. J. Sullivan, himself a democratic candidate for supreme judge, to defeat the occupation tax placed on corporations by the legislature.

The first litigation growing out of the late session of the legislature to use and usurp the functions of the state canvassing board and to canvass the vote on the constitutional amendments certify the same to the governor, have him make his proclamation declaring the amendments carried and then appoint four judges of the supreme court all of which duties had been performed according to law by the state canvassing board and the governor long before the legislature convened. This litigation was styled State ex rel. Oldham v. Dean, 121 N. W. 719, resulting in a decision in favor of the action of the state canvassing board and Governor Sheldon in canvassing the vote and the appointment by Governor Sheldon of the judges of the supreme court.

Another suit was state ex rel. Ragan v. Junkin, attacking the constitutionality of the so-called Donohoe nomination educational and judicial election law. This suit resulted in a holding by the court that the act of the legislature was unconstitutional. The court's opinion was rendered August 18, 1909.

The next law assailed was the act entitled, "An act to amend sections one (1) and twenty-two (22) of subdivision thirteen (13), chapter seventy-nine (79) of the Compiled Statutes of Nebraska for 1907, and to repeal the said original sections as they now exist and to provide for an emergency." The real purpose of this act was to remove from office the present member of the state board of education and to authorize the democratic governor to appoint a new board. The constitutionality of this act is in question in a suit entitled State ex rel. Thompson v. Majors et al.

Another act passed by the legislature and which is assailed in the courts as unconstitutional is the "bank guaranty" act. The suit was commenced in the federal court and a temporary injunction has been issued, restraining the enforcement of the law until final order of the court.

Another act passed by the legislature, the constitutionality of which is challenged in the courts, is the act taxing corporations. This suit was commenced in the district court and will soon be submitted on demurrer.

Perhaps one of the most insipid acts of the late legislature is chapter 83 of the Session Laws of 1909. This bill, as originally drawn and introduced by Senator Randall, fixed proper penalties against railroads and railroad officials for failure to enforce the same. The committee to whom the bill was referred removed all the penalties provided for in the bill against the railroads and their officials sctededa thereby, and rendered the act of apparently no vital effect.

Another act of the late legislature, which has been rendered impossible of enforcement, is House Roll 358, relative to the charge of transportation for residuum fuel oil or fuel petroleum, by reason of errors which crept into the enrolled bill through the incompetency of the engrossing or enrolling clerks in failing to enroll the amendments made thereto by the senate.

Even some of the "pie-counter" bills intended to make jobs for democrats on the public payroll were so faulty that the democratic politicians have not attempted to exercise authority under them and "claim the jobs"—notably the new law giving the appointment of the secretary of the printing board to

the democratic governor—a law that was passed expressly for the benefit of a democratic member of the late lamented legislature who was to "have the job."

This is a glimpse of democratic competency and efficiency as evidenced by the democratic legislature. Whenever tested with responsibility the democratic party has failed to "make good."

To avoid the responsibility for its recent failures the democratic party is this year out on a "non-partisan" platform and is raising a cry for the election of democratic candidates as non-partisans. This deceives no one—it is the democratic plan to avoid the responsibility for the recorded acts and failures of the democratic party.

Do Not Experiment

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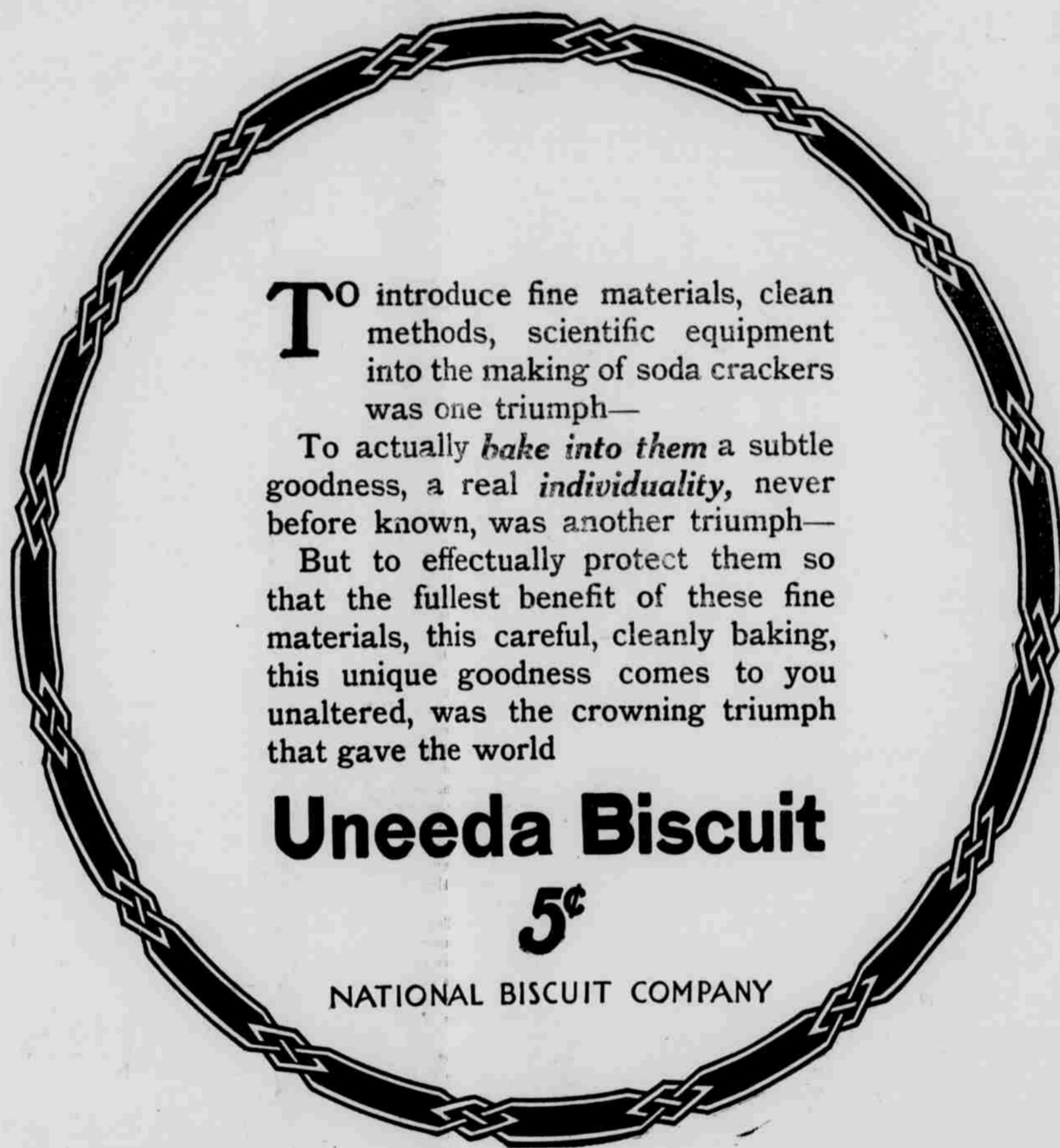
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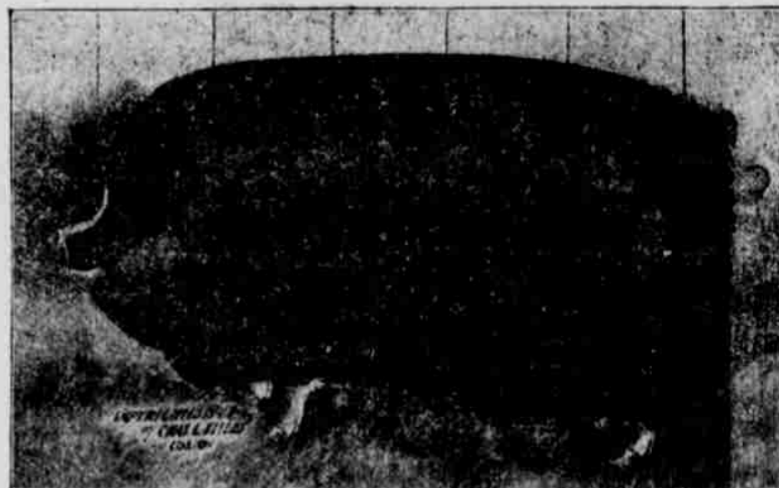
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