

LOUP CITY NORTHWESTERN.

VOL. XVIII.

LOUP CITY, SHERMAN COUNTY, NEBRASKA, FRIDAY, JANUARY 11, 1901.

NUMBER 9.

POYNTER'S WORD

Outgoing Executive Addresses the Nebraska Lawmakers.

CONDITION OF THE STATE FINANCES.

State Institutions and Common Schools Carefully Looked After.—Recommendations Made.—Suggests Constitutional Convention.

To the Senators and Representatives of the Twenty-seventh Session of the Legislature of Nebraska.—Gentlemen: Complying with the provisions of the constitution of the state of Nebraska, I place before you a summary of the operations of the various departments of state during the past biennium, and offer for your consideration some suggestions as to what I deem the needs of the state.

I desire to congratulate you as the chosen representatives of a most progressive and intelligent constituency. It is a notable honor to be chosen the representative in any capacity of a people such as comprise the citizenship of our state. Doubtless many difficult problems will present themselves for your solution. Upon the wisdom with which you deal with them will depend, in a large measure, the continuing advancement and welfare of Nebraska.

Too much of our legislation is built upon the give and take plan—a system "of you help me and I'll help you" between legislators. Log-rolling is notorious in almost every legislative hall, and all the way up to the national halls of congress. The lobby exerts undue influence. As a result of these things we have a mass of ill-considered laws, the meaning of which is obscure, many contradictory, and when submitted to the test of constitutional interpretation, utterly fail and become null and void. We need fewer rather than more laws. The legislators who will repeal a large number of laws now upon our law books which are dead letters, and will strip others of useless verbiage which tends to obscure their meaning, and clothe them in language so plain that the "wayfaring man, though a simpleton, need not err therein," and in the enactments of the few needed laws frame them so plain and direct that there can be no room for any quibbling as to their meaning, would earn for themselves memorial tablets from their grateful fellow citizens.

Many laws passed by the legislature would fail of enactment if the voters and taxpayers of the state had the opportunity of expressing themselves upon their desirability before they went into effect. If every law had to pass the test of popular approval the number of statutes would be much smaller than it is now, and the enforcement of those approved would be an easy task. Purely partisan measures would be unknown, and the occupation of the lobbyist would be at an end. I believe it would be to the great benefit of the state if all acts of the legislature, except emergency legislation for the maintenance of public business and institutions, were submitted to the ratification of the people.

FINANCIAL.

The state treasurer reports a balance on hand at the close of business November 30, 1900, of \$615,018.34. The bonded indebtedness of the state has been entirely paid and a balance in the sinking fund of \$56,165.23. This you should transfer to the general fund and authorize the treasurer to credit any further moneys coming in to that and to the general fund. No tax levy for the sinking fund has been made, but some back taxes upon that fund will be collected from year to year. Our floating indebtedness represented by state warrants is \$1,727,509.72. The school fund has invested in \$1,165,762.12 of this amount, which has practically put the state upon a cash basis so far as the purchase of supplies and the maintenance of our state institutions are concerned. The interest arising from these warrants goes into the temporary school fund, and is distributed again to the taxpayers through the school fund appropriation. The treasurer very justly remarks that a thorough revision of the revenue laws should be made, or an amendment authorizing a levy of seven (7) mills for the general fund instead of five (5) mills, since the present levy does not keep up with the appropriations, thereby increasing, rather than reducing, our floating indebtedness. To my mind a just assessment is much more preferable than an increased levy. Our present levy of five (5) mills would be all sufficient if our assessment was what it should be. The state's educational funds are invested in the securities designated by the constitution to the amount of \$4,365,544.63. Each year finds it more difficult to secure investment for these funds in the securities required by the constitution. The constitution should be amended allowing a larger scope for investment of the state's educational funds.

I concur in the recommendation of the treasurer, reducing the interest upon state warrants to three (3) per cent. This will enable the treasurer to secure practically all of these warrants for the school fund investment. The present condition of the state's finances, as compared with even so recent date as four years ago, must be a source of congratulation to the citizens of Nebraska. Should this condition continue, your best efforts must be used and your wisdom devise ways and means to keep the appropriations

within the limit of the levy permitted by law.

ELECTION OF UNITED STATES SENATORS.

One of the most important duties which you have to perform is the election of two senators to represent Nebraska in the senate of the United States. The experience of our own state, as well as that of other states, in times past, recall to us the difficulty attending this duty. The selection of senators would be much simplified, and those chosen to that high office more representative, if the people themselves chose them by direct vote. The time of the legislature, which is really too short for the careful consideration of legislation, is taken up and the minds of the members distracted with the too often long drawn out struggles in the election of United States senators.

I would recommend that you memorialize congress to submit a constitutional amendment providing for the election of senators by direct vote of the people. Older states have very keenly felt the necessity of a change in the manner of election of United States senators. A number of states have passed resolutions upon this subject by their legislatures. The legislature of the state of Pennsylvania, at its last session passed the following resolution without a dissenting vote.

"Whereas, A large number of state legislatures have at various times adopted resolutions and resolutions in favor of election of United States senators by popular vote; and

"Whereas, The national house of representatives has on four separate occasions, within recent years, adopted resolutions in favor of this proposed change in the method of electing United States senators, which were not adopted by the senate; and

"Whereas, Article V. of the constitution of the United States provides that congress, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments; and believing there is a general desire upon the part of the citizens of the state of Pennsylvania that the United States senators should be elected by a direct vote of the people; therefore, be it

"Resolved (if the senate concur) that the legislature of the state of Pennsylvania favors the adoption of an amendment to the constitution which shall provide for the election of United States senators by popular vote, and joins with other states of the union in respectfully requesting that a convention be called for the purpose of proposing an amendment to the constitution of the United States, as provided for in article V. of the said constitution, which amendment shall provide for a change in the present method of electing United States senators, so that they can be chosen in each state by a direct vote of the people.

"Resolved, That a copy of this joint resolution and application to congress for the calling of a convention be sent to the secretary of state of each of the United States, and that a similar copy be sent to the president of the United States and the speaker of the house of representatives."

I would earnestly recommend the passage of like resolutions by your honorable body.

STATE OFFICERS AND INSTITUTIONS.

The state officers and the heads of the various public institutions have presented full and exhaustive reports of the business management of the state and the needs of the departments for the next biennium. These reports show the great care and business ability with which the affairs of the state have been managed, and their recommendations should receive a careful consideration from you.

For your guidance in making appropriations for the next biennium for the several institutions of the state, I have had prepared and herewith submit a table showing the exact cost of maintenance of each institution in the state for the past nine years. A careful scrutiny of this table would be a most correct guide in making future appropriations. I commend this table to your careful scrutiny.

THE LABOR BUREAU.

The work done by the labor bureau for the past biennium as shown by the report of that department, is of great value to the labor interests of the state. The compilation of labor and industrial statistics, the unique way of showing by a map of the counties the surplus product shipment and the incomes to the state therefrom, certainly affords one of the very best means of placing Nebraska and her resources before home seekers. The money expended in the work of the labor bureau has certainly been a very profitable investment for the state.

RELIEF FOR THE SUPREME COURT.

There are now pending in the supreme court of our state seventeen hundred and nine cases, and notwithstanding the best efforts of the court, the number constantly increases rather than decreases. If no new cases should be filed and the court should make the same progress in adjudication they have been able to make in the past, it would require more than three years to clear the court docket. As a matter of fact, under these conditions, the supreme court is regarded as the tomb in which lies buried the hopes of litigants awaiting a very indefinite resurrection. An increase in the number of judges at once suggests itself as the most rational way with which to meet this difficulty. No one can dispute that an early determination of honest litigation is desirable. If the number of judges were increased the work of the court could be brought forward and litigants could have their suits disposed of promptly. The condition which now exists is not new. As far back as 1893 there were 1,285 cases pending.

The legislature of 1893 created a supreme court commission, permitting the supreme judges to select three commissioners, taking effect March, 1893. This was intended as a temporary relief to the court, and was to continue for the term of three years. The legislature of 1895 extended the term an additional three years, so that it would cease by limitation March, 1899. At that time it ceased to exist, and after its six years work there were pending before the court 1,434 cases, or an increase of 49 cases, showing that with the assistance of the commission the court had kept almost even in its work, adjudicating nearly as many cases as were filed.

The constitution of the state determines the number of supreme judges, so that that number must remain as at present until the constitution shall be amended increasing the number. To my mind it seems desirable that a constitutional amendment should be submitted to the electors increasing the number of supreme judges to at least five. Pending the time, however, when such amendment shall have been adopted and be effective, I would suggest that your honorable body empower the supreme court to call to its aid any number of district judges in the state, not less than ten. With this assistance the court would be enabled to clear the docket in a reasonable time, and having it once clear, and with an increase in the number of judges it would be enabled to keep it so. At present many of the district judges in the state are not occupied to exceed one-half of their time. Their entire time belongs to the state. I can see nothing unreasonable in asking that their unoccupied time be used by the state in relief of the supreme court.

NEBRASKA NATIONAL GUARD.

The Nebraska national guard was wholly disorganized by the Spanish-American war. When I came into office the Second Nebraska volunteer regiment, which was largely made up of the Second Nebraska national guard, had recently been mustered out of the service of the United States and was being re-organized. The re-organization was continued under my administration as rapidly as possible. When the First Nebraska volunteers, most of the members of which had formerly belonged to the National Guard, returned from the Philippines, and were mustered out of the service of the United States, immediately the work of re-organization of the First regiment, N. N. G., was taken up. In the reorganization of this regiment preference was given, first, to members of the First Nebraska volunteers; second, to members of Second and Third Nebraska volunteers, and then to former members of the Nebraska national guard. In this way quite a large percentage of the members of the present Nebraska national guard is composed of men who saw service in the Spanish-American war. The guard as now constituted consists of two regiments of infantry, a troop of cavalry, and a battery of artillery. It is a body of men of which the state may justly feel proud. I approve of the estimate made by the adjutant general for the next biennium, and recommend appropriations accordingly.

RETURN OF FIRST NEBRASKA.

When our gallant First Nebraska regiment returned from the Philippines and arrived in San Francisco, I determined, if possible, that its members should be returned to their homes without cost to them. I thought this would be a fitting tribute to them, as showing the appreciation of our state for their bravery and devotion to soldier duty. I first endeavored to get special rates from the railway lines, but was utterly unable to do so. I then endeavored to get the railway companies to bring the regiment home and file their bill with the auditor as a claim against the state, to be paid by your honorable body. They refused to do this. I then endeavored to secure a loan from the banking interests of the state. Failing in this I appealed to the generous patriotic people of Nebraska to advance sufficient funds. The appeal met with loyal response. More than enough was sent in and the regiment received a welcome home in the esteem in which it was held by our people.

The amounts contributed are a loan to the state of Nebraska, and provision for its payment should be made by you in an early appropriation. The amount contributed was \$40,342.75. Of this \$36,315.45 was required to pay the expenses of the return of the regiment. Of the excess \$3,927.30 was returned to individual donors. The list of those who subscribed to this fund is a part of the files of the executive office.

REVENUE AND TAXATION.

The inequalities in our revenue system must be apparent to any one who has examined it. A general revision of the entire law upon the subject is necessary. Numerous attempts have been made in the past to accomplish such revision, but the short time occupied in a legislative session, the vast amount of work to be accomplished, and the magnitude and difficulty of the task, have prevented its consummation. It seems to me that a competent commission authorized to procure the revenue laws of the different states in the union, and from them formulate for our state a new revenue law to be submitted for the ratification of the next session of the legislature, would procure for us a revenue law which would be just and equitable. This seems a long time to await a revision of our revenue system, but past experience has shown us the great difficulty attending the task, and it seems to me a more careful and satisfactory revision could be secured by the method above indicated than in any other way.

RAILWAY REGULATION.

The question of railway regulation

is one that has occupied the attention of the legislators in our state probably more than any other. As early as 1876 this was a prominent issue upon which members of the legislature were elected. The people demanded relief from what they thought oppressive rates of freight and passenger tariff. Each succeeding legislature adjourned without any measure being passed until 1885 when the members elected almost entirely upon this issue made the most determined effort to redeem the election pledges. The first maximum rate bill was prepared and strenuous efforts made to incorporate it into the laws of our state. This measure met with defeat, but a compromise measure was at last agreed upon by which Nebraska had her first railway commission established. It was a makeshift to avoid the provisions of the constitution, and a sop thrown out to quiet the demands of the people. As a member of the legislature of 1885 I voted against the measure, giving the following as my reason:

"I would recommend the submission to the electors an amendment to our constitution providing for the election of a railway commission. Pending the time when such amendment could be ratified by the voters of the state, I would recommend the enactment by your honorable body of a maximum rate upon the commodities in carload lots, such as salt, coal, grain, live stock and lumber. It seems to me at this time that these two measures are all that can be done in the matter of regulation of transportation charges."

PURE FOOD LAW.

The legislature at its last session enacted a law known as the pure food state food commissioner, with authority to appoint a deputy food commissioner. Acting under this law I appointed Mr. F. B. Hibbard of Irvington deputy food commissioner, who proceeded to organize the department and enforce the provisions of the act. The law provided for the collection of fees and licenses from certain lines of business, and the expenses of the department to be paid out of such collection. When the salary vouchers of the deputy and clerk of the department were presented they were refused by the auditor upon the ground that no appropriation as provided by the constitution, had been made by the legislature. The case having been submitted to the supreme court, that tribunal decided that the legislature had failed to make specific appropriation, consequently the salaries could not be paid. As a result the work of the department has been much hampered. The law is one which met with general favor with the people and was especially appreciated and desired by the dairy interests of the state.

I would recommend an increase in the scope of the present law, extending to the suppression of the manufacture and sale of all kinds of adulterated food products within the state. There has been collected in fees and licenses by the department the sum of \$3,286, which has all been turned into the state treasury. I herewith submit you an itemized statement of the expenses of the department. I recommend that an appropriation be made to meet these expenses as contemplated by the law itself, drawn upon the fund which fees and licenses has produced now in the state treasury.

LIVE STOCK REGULATIONS.

During my term of office there have been numerous calls upon this department relative to the suppression and control of contagious diseases among live stock. That the live stock industry is of paramount importance in the state all will admit, and it seems to me but good business judgment that adequate laws should be made for the protection of this industry from the ravages of contagious animal diseases. The laws we now have are cumbersome, and if enforced with sufficient appropriation to make them effective, would prove a great burden upon the taxpayers of the state. For this reason no appropriation for live stock protection was made by the last session of the legislature.

The law as now constituted provides that animals with contagious disease may be killed by the agents of the state, and the value of animals so killed paid to the owners of such animals. This would many times be the source of imposition upon the state, though honestly administered, would entail a larger expense than the state could afford to pay. I would recommend, therefore, the repeal of the present law and the enactment of a law providing for a state veterinarian, with power to recommend quarantine regulations when in his judgment occasion demanded, and directing the proper officer to enforce his recommendations.

STATE BOARD OF AGRICULTURE.

The state board of agriculture is deserving of most liberal treatment at your hands. No one power has done more for the advancement of the agricultural interests of the state. The work the board has done in advertising the state and thereby inducing immigration has been of great value. The only aid the board has received from the state has been a biennial appropriation of \$4,000, conditioned that the entire amount should be used to pay premiums at a state fair held by the board. The board has been considered a state institution under the direction of law, and yet has been compelled to improvise whatever funds were necessary to carry on its work. For twelve years past the state has given the state board of agriculture warrants to the amount of \$24,000, the entire amount to be used only as premiums upon exhibits at state fairs. During that same time the state board has paid for the same purpose \$150,000, and for the benefit of the state altogether over and above state aid, the total sum of \$396,275.17. It has published statistics and reports of great value. It has maintained each

year an exposition of the products and industries of the state. The last session of the legislature established a permanent home for the board at the Capital City.

I would therefore recommend that the state provide suitable grounds and buildings for state fair purposes and annual appropriation sufficient to at least pay the expenses for the maintenance of the state board, thereby allowing the revenue arising from the annual state fairs to be used for the collection of statistics and information, and the distribution of the same and the increase in payment of premiums.

CONVICT LABOR.

The problem of employment for the convicts in our state penitentiary is one which should receive your careful consideration. Humanity demands that these who are incarcerated in state prisons should be kept busy. Justice to honest labor forbids that the work of convicts should be brought into competition with its effort. The contract system employed in so many states whereby prison-made goods are thrown upon the market in direct competition with the goods of free labor is manifestly unjust and unfair to the honest workman. He is not only taxed to support the criminal in the penitentiary, but must sell his labor for unremunerative prices to enable him to compete with the criminal labor.

It seems to me it should be the policy of our state so far as we may be able to prevent this competition by furnishing employment to convicts which in no way interferes with honest labor. The manufacture of goods needed by the state for the wards of the state in our various eleemosynary institutions would be legitimate work for convicts.

STATE NORMAL SCHOOL.

The largely increased attendance at the state normal school makes it imperative that some increase in the facilities should be provided by you. The assembly room there has a capacity for seating five hundred. The attendance during the term last passed was far in excess of that number, with the probability of yet further increase during the present term. There has been constantly recurring before each legislature for number of years past, the question of building additional normal schools in the state. I need not point out to you that the creation of an additional school or schools would create additional expense for the management of the same. Each school would require officers and conveniences for the conduct of the business of the school. These are practically the same for either a large or small school. To create new schools would require a duplication of these necessities, and a corresponding increase in outlay. An increase in library facilities, laboratory facilities and other necessities of a school already equipped would be trivial as compared with the building and equipment of an entire new school.

CONSTITUTIONAL CONVENTION.

As indicated in what has gone before in this message, there are in my opinion a number of amendments needed to our state constitution. The experience we have had in times past with constitutional amendments has not been satisfactory. It seems to me you should make provisions for the calling of a constitutional convention to formulate for our state a constitution fitted to our present development, and making provision for our future growth. Should this be done many of the problems which now present themselves would be solved.

Retiring from the highest office in the gift of the people of our state, I congratulate you as the chosen representatives of the most progressive and best educated constituency in our country. I congratulate you upon the splendid financial condition of our state. The past biennium has witnessed the payment of our entire bonded indebtedness. It has witnessed the reduction of the rate of interest upon our floating indebtedness to 4 per cent, and our state warrants at that low rate of interest selling at a premium of 1 per cent, showing the confidence of our own people, as well as capitalists or other states in the ability of our state to pay its obligations, and the integrity of the management of our financial affairs.

I congratulate you upon the economy and business ability with which the public institutions of our state have been managed during the past biennium, as shown in the reports herewith submitted, not less upon the excellent care given the unfortunate wards of the state. Our eleemosynary institutions are the equal of any sister state in the union. They reflect the progress and advanced civilization of the state. The demands of civilization require the most scrupulous care of those whom misfortune make the wards of the state. Justice to the taxpayers requires this care to be given in a way creating as little burden as may be. The requirements of both have been fully met during the past biennium.

I trust that your duties in making new laws and amending old ones, and in the repeal of those you deem detrimental or unnecessary, may be pleasant and all your work for the good of the people and the advancement of the welfare of our state.

I wish to return my sincere thanks to the people of Nebraska for the confidence they reposed in me, and the uniform courtesy always shown me and the many kind and complimentary words and letters commensurate of my administration received from so many citizens of the state. In all my acts I have had beyond all other considerations the welfare and best interests of the state. For whatever mistakes I may have made I ask charitable leniency. The administration as a whole I submit to the honest judgment of an intelligent people.

W. A. POYNTER.

THE IRRIGATION LAWS

Motion in Supreme Court for Rehearing on Riparian Rights.

EFFECTS OF A RECENT DECISION

State Military Board Will Recommend Adoption of a New Code—A Count of the Cash in the State Treasury—Various Other Matters in Nebraska.

LINCOLN, Neb., Jan. 7.—A motion for rehearing has been filed with the supreme court in the suit involving the irrigation laws of the state. Four weeks ago the supreme court held to the old English common law in the matter of riparian rights and thereby undermined the irrigation of the entire state, the only resource of owners of thousands and thousands of arid acres in western Nebraska.

Briefly stated, the court's opinion held that a property owner along the banks of a stream has the right to use of that water undiminished in quantity and undiluted in quality, so far as property owners further down the stream are concerned. As the tapping of streams and drawing off of water for irrigation purposes diminished the quantity in the stream, all attempts at irrigation would be unlawful according to this interpretation.

Several attorneys of the western portion of the state have interested themselves in the case because of the vast interests involved and the wide sweeping effect of the court's announced decision of allowed to stand. They have united in a brief in support of the motion for rehearing, and in this they argue that there is not a single precedent in Nebraska to support the court's opinion.

Mrs. Jos. May is Dead.

FREMONT, Neb., Jan. 7.—Mrs. Joseph May, wife of Joseph T. May of this city, died after a long illness, aged 53 years. Her maiden name was Gately and her family were leaders in social and business circles in northern Mississippi before the war. She married Mr. May shortly after the war and very soon after came to Fremont, where they have since resided. Before prevented by illness she was prominent in the highest social circles of the city.

Receive \$50,000 Each.

PLATTSMOUTH, Neb., Jan. 7.—The Misses Ella and Anna Crocker, who resided with their uncle, L. D. Bennett, in this city in the '70s, but are now living with their uncle, W. F. Bennett, in Chicago, have received the cheering news that they are heirs to \$50,000 each from the estate of an uncle, Benjamin Crocker, who had made a fortune of \$500,000 during the early days in California.

Allen Visits the Interior.

SAN JUAN, P. R., Jan. 6.—Governor Allen, who left San Juan Thursday to visit the towns in the western part of the island, returned to the capital today. He visited several places never before visited by any governor of Porto Rico. Everywhere he was most enthusiastically received. At Tares 250 mounted citizens turned out to provide him with an escort.

The Case Advanced.

LINCOLN, Neb., Jan. 7.—On motion of Attorney General Smyth the supreme court advanced the case of the State of Nebraska against the Omaha National bank, for hearing at the first sitting in March. The court also granted leave to file an amended petition and an additional transcript.

Year's Showing in Sutton.

SUTTON, Jan. 7.—During the year just closed Sutton has not been idle. At a cost of several hundred dollars the town has straightened a long bend in School creek by digging a canal 500 feet long and eleven feet deep in order to prevent the threatened inundation of a pretty public park that is very popular as a location for reunions and celebrations.

Hangs Himself in Jail.

PLATTSMOUTH, Neb., Jan. 7.—Charles Freisch, an insane man about 40 years of age, committed suicide by hanging himself in the county jail here. Freisch came here from Omaha about ten days ago, and being penniless and apparently mentally deranged, he was sent to the poor farm. He escaped from there Friday and came to the city, when he was placed in jail.

As Nebraska Land Sells.

BEARWELL, Neb., Jan. 7.—Interest in real estate is becoming quite apparent. Lott Fillmore has just completed a deal whereby he gets over \$4,000 for a quarter section of land that could have been purchased a short time ago for \$2,500, and Wooster & Clark only recently paid \$1,250 for a 40-acre tract.

Alleged Kidnapers at Beatrice.

BEATRICE, Neb., Jan. 7.—The kidnaping craze has struck this city. The victim is the 12-year-old stepdaughter of one Booth, who, he claims, has been abducted from his home by one Bill Bowers, a local character. The police have been unable to locate either the abductor or the abducted, and the affair is likely to develop into a mild sensation.