POYNTER AGAINST PASS

New Executive is on Record Against Free Transportation.

ASKS JUSTICE FOR THE BEET GROWERS

Calls Attention of the Legislature to the Needs of the Various State Institutions--Mentions the Great Growth of the Dairy Industry--A Short, Pithy Message

Gentlemen of the Senate and House of Representatives: Having been chosen to the highest office in the state by the votes of the people, in compliance with the provisions of the constitution, before assuming my active duties, I desire to address you briefly. You have had presented to you very ably by his excellency, Governor Holcomb, the condition of our public institutions, and recommedations resulting from his perfect acquaintance with support allows you no opportunity to affairs acquired by his term of office escape responsibility. If the laws which affairs acquired by his term of office as chief executive. Coming as I do from the walks of private life, the observations and recommendations which I now make to you must of necessity be solely of those matters of general public interest with which every well informed citizen in the state fail to establish justice between the is supposed to be familiar.

We recognize that the primary powbe considered supreme. Men are so ion always have existed. So in a government of the people some rule must be established determining the manzer of adjustment of differences and the only means for such determination the majority must at all times rule, the sion and a candid presentation of its opinions should never in a free government be abridged. The three functions of our state government, as established by our fundamental law, the constitution, are defined to be the legislative, executive and judicial, and neither of these "shall exercise any power properly belonging to either of the others." They are each alike responsible to the people for the manner in which they discharge their duties, and it is impossible to make any difference of political opinion which might exist between those who are the elected representatives of the people in any one of these departments of government a reasonable excuse for any failure of duty to the citizens of before election, but the will of the people having been expressed, citizenship should rise above partisanship and the hould outweigh all partisan advant-

ages.
It is my most sincere desire that we shall co-operate for the best interests of the state. To you is entrusted the law making power of the state, and the apportioning of the revenues among the various state institutions. In the enactment of wise and beneficent laws and the just and economic apportionment of public funds, I pledge you in advance my sincere and hearty assistance. The welfare of the state shall at all times be my first consideration, and I shall never hesitate to use the power conferred upon me by the constitution to withhold my approval of any measure which you may enact that I consider inimical to the public good. Nor shall I withhold my approval of any measure you may pass in the public interest. If any dif. lerences in judgment should arise I am ready to accord to you the same honesty of purpose and desire for the peo-ple's welfare that I claim for myself. The intereference with, or the usurpation in any way of the power of one branch or the state government by another, which the constitution defines as co-ordinate, is dangerous to the liberties of the people. Hence I deem the veto given by the constitution to the governor a power that should only be used as a last resort to prevent unjust or hurtful legislation. You are the recognized law making power direct from the people, and to them you must render an account of your actions as their representatives. Having done your work carefully and conscientiously, that work should stand until the people express a desire for change. often, however, the work of the legislative department is made effective by our judiciary. Even the sentiment is gaining in the minds of the people that no act of the legislature is a law until it has the approval of the courts. This, if true, makes the legislature useless. Not only so, but It destroys one of the co-ordinate branches of state government. The nullification of so many laws by our courts, I am led to believe, is not ocensioned by the intention of the court to usurp the authority of the legislature, but more on account of the inadequacy of our constitution. This was new, its resources undeveloped, and its settlements meagre and sparcely dia-tributed. With our splendid development, our state has outgrown many of its constitutional provisions, and the andeavor of the legislature to meet by law existing conditions, is hampered by inadequate constitutional To meet this growing denand, nearly every blennial session rbmits to the people amendments to he constitution. But in the press of other matters, and in the excitement onstitutional convention, such ac-

Article 11, section 7, of the constitution makes it mandatory upon you to prevent by law "unjust discrimination and extortion in all charges of express, telegraph and railroad companies in this state, and enforce such laws by adequate penalties to the extent, if necessary for that purpose, of forfeiting their property and franchises."
This provision of the constitution which you have taken your oath to penalties for their enforcement, then your duty is plain. Penalties should be attached to compel compliance. If the existing laws are insufficient and people and the corporations, they should be promptly repealed and other reats in the hands of the people, ers enacted by you which would ac-and that their will should at all times complish that purpose. Other states complish that purpose. Other states in dealing with the vexed question of constituted that differences of opin- transportation have in a great measure solved it in the election by the peo-ple of a commission with adequate power for the regulation of rates and the final adjustment of differences which might arise between the peomust rest with the majority. But while | ple and the corporations. Our constitution does not permit us to so provide right of the minority to a free discus- and in the endeaveor to overcome this difficulty the legislature of 1885 placed the burden of the responsibilities of a railway commission upon a portion of the executive department, and at the same time relieving the state executive officers designated in that act from the labor by allowing them three secretaries to do the work, and finally gave the secretaries all the power conferred by the act upon the executive officers composing the commission. At various times since 1885, this law has been amended, but I think its most ardent supporters will not claim that it has been either successful or satisfactory. The people for years have asked relief from unjust and extortionate transportation rates. They have asked bread and have been given the state. Partisanship may be bitter a stone. It is a question whether power which the constitution places in the legislature can be transferred by it to a commission. Could that be done you welfare of our people, the material advancement of our industries, the good railway commission to fix a just and name and fair fame of Nebraska equitable schedule of transportation rates and confer upon them the power of enforcement which you possess under the constitution. Were the commission an elective office, and its incumbents chosen by the people, then its duties and powers could be defined by legislative enactment. But being created by legislative act in a round about way to avoid the plain provisions of the constitution, and to permit the legislature to shirk its responsibility it can have really no legitimate powers and consequently can only be advisory at best. Whether the work which the commission does in the collection of statistics, the arbitration of difficulties between the corporations and the citizens of the state is of sufficient value to warrant a continuance of the present law is for your wisdom to determine.

The great question of just transportation rates still presses upon you for solution. The law of 1893 has been carried through the highest court in our country. Its weaknesses have been shown by the decision of that court. The enactment of the law of 1893, amending the sections against which the supreme court of the United States pronounced, would meet the wishes of a large majority of our people, and would be a compliance with your plain constitutional duty. Snould you repal the present commissioner law and at the same time pass a just and equitable rate law, you would gain the highest commendation or a great majority of Nebraska citizens. While in my opinion this would be a source of temporary relief to our citizens, this great question of transportation and communication between the people cannot be definitely settled by state legislative enactments. The varied interests of the several states in the union are too closely linked in the bonds of commercial union for the state individually to properly adjust the great question arising from transportation and with communication among the people. The national government itself must own and operate the highways of transportation and the electric means of communication as it does now the great postal system, in the interests of all the citizens of our great common country. But until such most desirable end is attained state legislatures are obliged to afford all possible relief to the citizens of the state from unjust freight, passenger, telegraph, telephone and sleeping car charges. Any law which your wisdom directs you to enact upon any of these subjects if in the best interests of the people of Nebraska will receive my most hearty approval.

The constitution places the obligation upon the legislature to apportion the representatives and senators acording to population, determined either upon the census of the United States or of Nebraska. It requires that of political campaigns, they are lost each ten years, beginning with the dight of and fail to receive the popular year 1885, a census of the people shall be made. The United States makes make provisions for the calling of a an enumeration of all the people every natitutional convention, such ac- ten years, so that with the census of would meet the hearty approval the United States and that of our own state we have a certain data for the

etermination of the number of Neraska's people every five years Upon hese two enumerations the const tuion requires that the apportionment of senators and representatives shall be made, thus requiring an apportionment to be made each five years, In 1895, when the last apportionment should have been made, we find that there had been no census taken in the state, as required by the constitution, upon which to base such appor-ionment, and it was argued by some that the legislature had no power to make an apportionment. The language of the constitution is that the legislature shall make this apportionnent at its first session after the enuneration and at no other time. As I understand it, that which the constitution requires to be done will be lone, and having been done shall not gain be done until its provisions igain require it. The present apportionment is manifestly unjust to the western half of our state. With more han one-seventh of the population, it has only five representatives out of a hundred, and less than three senators of the thirty-three in our senate. As an act of justi e long delayed I recommend you to take up the work of reapportionment which the legislature of 1895 should have made, and give to our western people the representation to which they are enti-

I desire to call your attention to an evil which has grown with the growth of the state, and one for the eradication of which the best thought of our best minds have been engaged. I refer to free railway transportation. The pass system has grown to such proportions that it has become a burden to the managers of the railways of the state, a scandal in state politics and disgusting to thoughtful citizens. Raflways are built as business enterprises. Profits must be made for investors upon business done. If all passengers should be carried free, profits must be made from some other branch of the business, and it is fair to presume that under su h circumstances it would be necessary to advance freight rates. If one half those traveling should do so upon free transportation, all the profits of the business must be collected from the other half who pay fare. Now if the business were remunerative with only one-half those traveling paying fare, if all should be made to pay alike the same profits would accrue to the railways if only one-half as much was charged for the service. It has been estimated that our railways in Nebraska receive less than two cents a mile for the passenger service in the state, when account is made of the free transportation given those whom, under one pretext or another, they think it necessary to give passes. As a business proposition it is unjust to the railways of the state that custom should place this burden upon them, and they should be protected by law, with adequate penalties for its enforcement. If they protect them-selves against loss by charging increased rates to those who pay for transportation, then as a business proposition it is unjust to those who pay fare and they should be pro-tected by law with adequate penalties its enforcement. Such a law would relieve the railways from practicing an injustice upon a part of their patrons and secure to them the same profits upon investments which they now have and at the same time admit of a material reduction in passenger rates. The passage of a law against the issuan e of any free passes, except to employes of the railways, and making the one accepting a free pass a particeps criminis (participating criminal), both alike subect to penalies attached adequate for its enforcement, with a reduction in passenger rates equivalent to the profits derived by the abolishment of passes would be alike just to the railways and

would earnestly recommend the most rigid economy onsistent with the public welfare. The amount of an appropriation does not always indicate its character. What would seem a large sum appropriated for a specific ty varies in valuation in different purpose may be in reality an economexpenditure of public money, while a small amount set apart for the same purposes would be extravagant. The appropriation of an amount for any purpose obviously too meager for its accomplishment, while at the time it would give color to the claim for economy by the legislature making it, the following biennial would show its true character, either in deficiencies to be met or in poor service to the state, either of which would demonstrate clearly the dishonesty or incompetency of the legislature making it. Our state institutions for the care of our defectives are constantly growing and would naturally require an increased amount for their maintenance. The people have a right to demand economical management them, and at the same time that these wards of the state should receive most careful and conscientious care. The legislature which succeeds in exercising business judgment of such high character that our state institutions are amply cared for without proffiga y, that appropriates funds in an amount sufficient to meet their demands without a deficiency, would re-ceive the approbation of all right thinking people of the state. The appropriations for the maintenance of our public institutions is purely a matter of business and should be so regarded by you.

the traveling public.

In the matter of appropriations

It is to be regretted on some accounts that our public institutions are not all located at ove place. It has been too often the case in times past that a system of log rolling has prevailed in making appropriations for their care, each locality where one of them is situated using every endeavor to make the appropriation for its institution just as large as possible regardiess of its requirements, and before the biennial appropriations are finally made a combination of all the localities having state institutions become very evident, each agreeing with the others to support all which any one locality might make for appropriations. In this way our make appropriations economical but With a firm reliance upon all wise not parsimentous, liberal but not exprovidence, may we each be guided in travagant. Let me urge upon you our duties by wisdom and in all our that you bring forward the appropriations by integrity.

the bills as early in your session as W. A. POYNTER. tion bills as early in your session as

possible in order that they may receive the careful and conscientious consideration their importance de-

In 1895 the legislature passed an act

offering a bounty of one dollar per

ton to be paid to the growers of su-

gar beets upon the theory of encouraging the development of the sugar

industry in our state. For some rea-

son best known to itself the legisla-

ture failed to make provision for the

payment of claims which might arise

from the passage of such an act The

sugar company acting under the provisions of the bounty act made their contracts with the growers to pay them one dollar per ton extra for the beets grown and delivered them, and in the beet harvest of 1895 the company did pay the growers the extra dollar per ton for beets. The company presented its claims for the bounty to the auditor and some of them were allowed by him, but finally he refused to allow further claims under the act, and in the suit following hte refusal our supreme court decided that the claims could not be paid, there having been made no appropriathere having been made no appropria-tion to meet them. In the harvest of 1896 the contracts of the company with the growers were made provis-ional, agreeing to pay them \$1 per ton extra provided the court sustained the payment of the claims. The ourt deciding against the payment of the claims, holding the payment unconstitutional for the reason that the legislature creating the law failed to make appropriation in compliance with its provisions, the company not only refused to pay the extra dollar, but actually kept back \$1 per ton from payments in the latter part of the season to reimburse themselves for the amount already paid on the 1896 crop, thereby giving the growers but \$4 per ton for beets instead of \$5 as they contracted to do should they be sustained by the court. Now these claims for bounty under the act of 1895 are in the hands of the sugar companies and those for 1896 in the hands of the actual growers of beets The sugar companies have sought relief in the highest court in the state and that court has decided against them. These farmers made their contracts and raised the beets in good faith, making their estimates for profitsin the business upon the promise of the extra dollar per ton which they should receive as bounty from the state. I am ndividually, and the party of which am a member, is opposed absolutely to the protective policy of taxing one industry for the upbuilding or advancement of another, but my party s not now, nor has it ever been at any time, either in theory or practice, in favor of repudiation in the smallest degree. The legislature having made a bad bargain for the state should not seek to be relieved of that bargain by a subterfuge or upon technicalities. The sugar bounty act of 1895 has created a number of just claims against the state, which are now in the hands of the farmers who grew sugar beets I recommend that you make provis-ions for the payment of all claims arising from the act of 1895 which may be presented by the actual growers of sugar beets in the state, whenever such claims are properly attested by cer-tificates of weights from the proper

Taxation is generally spoken of as a burden. It should not be so regarded in a well regulated state, but rather as a sacred obligation of citiist, when some are overtaxed, paying more than their share, and others are relieved through the operation of law, that taxation becomes unjust and a burden. Our revenue system contains a large number of defects which should be remedied. I trust you will give your best thought to a thorough revision of our revenue system to the end that every kind of property in the state shall contribute its just share towards the expenses of state government. I would especially ask your earnest consideration of some plan of equalization of assessments in all parts of the state. Under our present plan the same kind of propercounties from ten to thirty per cent. This is grossly unfair, but for its remedy no means at present exists. There is no broader field for the exercise of true statesmanship than in the creation of a just and equitable system of revenue and taxation. It is a matter that affects every citizen in-dividually and the material interests of the entire state.

A prominent industry of our state and one which is destined to become more and more a leading factor in wealth production to our people is the dairy. There is nothing in which the farmers of the state have engaged which has assisted them more to be independent by keeping them free of by furnishing them regularly throughout the entire year with a steady cash income. Yet in its infancy the dairy industry in Nebraska has made wonderful growth. Last year it assisted the material interests of the state by the distribution of nearly ten millions of dollars among the citizens of Nebraska. This industry asks no special protection as a struggling infant industry, but is perfectly willing to stand or fall upon its own mer-What it asks is as a matter of right that other industries be required to do the same. The laws now upon our statute books are probably adequate with proper enforcement. In my judgment an industry of such vast importance to the agricultural interests of this great agricultural state should receive your most careful and candid consideration. The creation by you of a department charged with the Interests of the dairy industry, presided over by a commissioner whose duty would be to enforce the laws against imitations of dairy products and such other duties as your wisdom would dictate as proper for him to perform in the interests of the dairy industry, would meet the approval of the majority of the wealth producers in the state

I shall be pleased to communicate with you from time to time by special massage as occasion may require and I bespeak from each of you that corlegislature has too often forsaken the dial relationship that should characbroad highway of statesmanship and terize the association of our state legtredden the footpath of ward politics. islators with her chief executive to I confidently rely upon your honesty, the end that harmony may prevail in integrity and business judgment to all our efforts for the common weal.

"In selecting seed corn for next season each one should have a fixed standard in his mind to aim at and every ear of corn should be chosen on account of its being near the standard," says a contributor to "Country Gentleman."

"My father practiced selecting his seed corn at husking time. His first rule was to choose the upper ear on a stalk having two or more good plump ears. A few of the inner husks were left on the ear to mark it for saving, when putting the corn in the crib. When all the seed was collected the ears were braided into large bundles and hung up to dry, out of the reach of mice or rats. The second rule of selection was more useful than the first. He chose only the ears set close to the stalks, having a short footstalk and a small or medium-sized shank at the end of the cob. Such ears husk easily, as the cob breaks close to the corn and the husks cling to the footstalk and not to the ear when husk-

"Following these directions, we always saved a large supply of seed corn, and the type of ears and corn and ear-setting became noted and uniform. Many hills of corn having two stalks would yield three ears each, and where there were three or four stalks in a hill often all but one of them had two ears each. Prolific bearing was the rule. And this was clearly produced by constant, persistent selection following one line. At the same time the ears were set close to the stalks so that the weight of grain was balanced. Thus storms would not so readily tangle and twist the crop, or

carry it down to the ground. "I know of farmers today who have been saving their seed on another line for many years. They choose the longest ears to be found, without any regard to the stalks or footstalks. The result has been to establish a type of corn with one long ear growing on a long footstalk, attached to the main stalk low down, often close to the ground, so that when cutting the corn the footstalk is cut and the ear is thus separated from the stalk and has to be picked up and put in the stout. And when the ears are not thus cut off, they hang down and drop to the ground and become watersoaked or rot by the time of husking. These long drooping ears often bear down so heavily that the stalks are carried to the ground early in the season and cannot fully mature the crop."

Peach Yellows in Ohio.

A bulletin from the Ohio Experiment Station says: This destructive, contagious disease of peach trees has shown greater virulence the current season than during any other year since the station began to study it. This applies to all of the peach growing districts of the state except, possibly, the Maumee valley, wherein the "yellows" has not yet been known to occur. Such is the number of diseased trees, however, in the affected portions of the state, as to call for prompt and urgent measures to limit the spread of the disease. This can be done, so far as known, only by prompt removal of affected trees, root and branch, and burning them as near as possible to the point of removal. Dragging the affected trees through the orchard is not advisable.

The symptoms of "yellows" are: 1. Premature ripening, by from one to six weeks, of fruit which is high colored and spotted and has the flesh marked with red.

2. Premature development of winter buds in the formation of short shoots or clusters of narrow, elongated leaves. This growth is often very conspicuous where the old leaves have fallen from the present year's growth.

3. Growth of shoots from adventilous buds on the trunk and larger branches of the affected trees.

4. For the present season, general vellow color of the trees with peculiar backward folding of the leaves and general premature dropping of the foli-

These symptoms, with illustrations. are described in Bulletins 72 and 92 of the Ohio Experiment Station and by the aid of the facts known, growers will be able to distinguish the diseased trees. It is urged that such trees be removed before the close of the present

Where communities wish to organise for this purpose, the Ohio statute provides for the appointment, by the township trustees upon petition of five freeholders in the township, of boards of fruit commissioners of two members. These commissioners have generally proved exceedingly valuable and useful in the work for which they are ap-

Rolling and Harrowing Soil .- The effect of rolling a soil is to compact it, to close up the spaces between the grains produced by cultivation and thus to facilitate the rise of moisture to the immediate surface. It does good in grain fields that need the moisture, but it means a heavy loss of moisture if the soil thus remains compact. A good rule then is to roll the land whenever the crop shows the need of moisture, and that crop is shallow rooted, and as soon as moisture becomes apparent at the surface to loosen the soil with a harrow to about three inches. grain will not be materially injured by the harrow, the excessive escape of needed moisture will be prevented, and at the same time the roots will secure a supply.-American Fruit Growers

An Admirer of Jerseys .- It is manijost that the intelligent New England dairy farmer has no reason to despair. He has ample means for self-defense at easy command. If he will but rely on the Jersey cow and use wisely the gifts and natural advantages that God and nature have given him, he can rest secure and happy. The Jeresy cow is like the old "Ship of Mon," in that "she has saved many thousands and will save many more."-Hunter Nich-

A Burmese doctor, when called to prescribe for a patient, just asks him to name the day and hour of his birth. If he was born in the morning, on a Tuesday, he, of course, requires different treatment than would be given to a man who came into the world on Saturday evening.

Four pounds of steak, with the etcet-eras in proportion, make an ordinary meal for George Washington Walker of Argos, Ind. His food seems to rap-idly assimilate, as he is constantly gaining flesh. His height is five feet ten inches, he measures the waist, and his weight is 540 pounds.

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Widows and minor orphans of deceased sol-diers have same right. I will buy it. De not waste postage unless you made an original entry as stated above. JERE COLLINS, Helena, Montana.







