

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 recommendations resulting from his perfect acquaintance with 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 is supposed to be familiar.

We recognize that the primary power rests in the hands of the people, and that their will should at all times be considered supreme. Men are so constituted that differences of opinion always have existed. So in a government of the people some rule must be established determining the manner of adjustment of differences and the only means for such determination must rest with the majority. But while the majority must at all times rule, the right of the minority to a free discussion 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 the state. Partisanship may be bitter before election, but the will of the people having been expressed, citizenship should rise above partisanship and the welfare of our people, the material advancement of our industries, the good name and fair fame of Nebraska should outweigh all partisan advantages.

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 beneficial 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 differences in judgment should arise I am ready to accord to you the same honesty of purpose and desire for the people's welfare that I claim for myself. The interference with, or the usurpation in any way of the power of one branch of 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. Too often, however, the work of the legislative department is made ineffective 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 occasioned 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 adopted at a time when our state was new, its resources undeveloped, and its settlements meagre and sparsely distributed. With our splendid development, our state has outgrown many of its constitutional provisions, and the endeavor of the legislature to meet by law existing conditions, is hampered by inadequate constitutional powers. To meet this growing demand, nearly every biennial session submits to the people amendments to the constitution. But in the press of other matters, and in the excitement of political campaigns, they are lost sight of and fail to receive the popular ratification. In my opinion should you make provisions for the calling of a constitutional convention, such action would meet the hearty approval of the people.

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 support allows you no opportunity to escape responsibility. If the laws which we already have upon our statute books are sufficient and only lack penalties for their enforcement, then your duty is plain. Penalties should be attached to compel compliance. If the existing laws are insufficient and fail to establish justice between the people and the corporations, they should be promptly repealed and others enacted by you which would accomplish that purpose. Other states in dealing with the vexed question of transportation have in a great measure solved it in the election by the people of a commission with adequate power for the regulation of rates and the final adjustment of differences which might arise between the people and the corporations. Our constitution does not permit us to so provide and in the endeavor 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 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 might make it mandatory upon the railway commission to fix a just and 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. Should you repeal the present commissioner law and at the same time pass a just and equitable rate law, you would gain the highest commendation of 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 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 according to population, determined either upon the census of the United States or of Nebraska. It requires that each ten years, beginning with the year 1885, a census of the people shall be made. The United States makes an enumeration of all the people every ten years, so that with the census of the United States and that of our own state we have a certain data for the

determination of the number of Nebraska's people every five years. Upon these two enumerations the constitution requires that the apportionment of senators and representatives shall be made, thus requiring an apportionment to be made each five years. In 1885, 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, 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 apportionment at its first session after the enumeration and at no other time. As I understand it, that which the constitution requires to be done will be done, and having been done shall not again be done until its provisions demand it. The present apportionment is manifestly unjust to the eastern half of our state. With more than one-seventh of the population, it has only five representatives out of a hundred, and less than three senators of the thirty-three in the senate. As an act of justice 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 entitled.

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. Railways 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 such 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 to 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 themselves 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 protected by law with adequate penalties for 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 issuance of any free passes, except to employes of the railways, and making the one accepting a free pass a participant criminal (participating criminal), both alike subject to penalties attached adequate for its enforcement, with a reduction in passenger rates equivalent to the profits derived by the abolition of passes would be alike just to the railways and the traveling public.

In the matter of appropriations I would earnestly recommend the most rigid economy consistent 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 purpose may be in reality an economical expenditure 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 for 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 profligacy, that appropriates funds in an amount sufficient to meet their demands without a deficiency would receive 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.

It is to be regretted on some accounts that our public institutions are not all located at one 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 regardless 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 demands which any one locality might make for appropriations. In this way our legislature has too often forsaken the broad highway of statesmanship and trodden the footpath of ward politics, confidently relying upon your honesty, integrity and business judgment to make appropriations economical but not parsimonious, liberal but not extravagant. Let me urge upon you that you bring forward the appropriation bills as early in your session as

possible in order that they may receive the careful and conscientious consideration their importance demands.

In 1895 the legislature passed an act offering a bounty of one dollar per ton to be paid to the growers of sugar beets upon the theory of encouraging the development of the sugar industry in our state. For some reason best known to itself the legislature 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 his refusal our supreme court decided that the claims could not be paid, there having been made no appropriation to meet them. In the harvest of 1896 the contracts of the company with the growers were made provisional, agreeing to pay them \$1 per ton extra provided the court sustained the payment of the claims. The court 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 profits in the business upon the promise of the extra dollar per ton which they should receive as bounty from the state. I am individually, and the party of which I am a member, is opposed absolutely to the protective policy of taxing one industry for the upbuilding or advancement of another, but my party is 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 provision 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 certificates of weights from the proper authorities.

Taxation is generally spoken of as a burden. It should not be so regarded in a well regulated state, but rather a sacred obligation of citizenship to be discharged with alacrity. It is only when inequalities exist, 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 property varies in valuation in different counties 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 individually 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 debt 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 merits. 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 message as occasion may require and I bespeak from each of you that cordial relationship that should characterize the association of our state legislators with their chief executive to the end that harmony may prevail in all our efforts for the common weal. With a firm reliance upon all wise providence, may we each be guided in our duties by wisdom and in all our actions by integrity.

W. A. POYNTER.

Origin of the Galloways.
In a pamphlet on the "History of the Galloways," Col. D. McCrae says:

Galloways are a hardy hornless breed of beef cattle, which take their names from an old district in the southwest of Scotland. Near the sea, and along the valleys of the rivers are many glens of rich fertile land. On the higher ground the surface is more undulating and irregular with numerous small lakes, wide stretches of mossy moorland, rocky hills, and high heathery mountains. The climate is mild and moist, and while cattle usually have winter shelter provided, they sometimes winter well without any, and sheep are out all the year. In the days of the Romans it contained dense forests, largely of oak, and many traces of the Roman occupation may still be seen. The forests have disappeared, but there is still in many sections considerable wooded shelter.

Much has been written about the origin of our modern breeds of cattle. The Romans when they came into Britain found the great Bos Urus roaming through the forest. Caesar, says this animal resembled the domestic cattle, but in size was more like an elephant, and exceeding wild and fierce, with immense horns. Professor Low says their skeleton indicates an animal "nearly three times the bulk of the oxen of the present time." Much has been written to show that our modern breeds are descended from this savage wild ox, but the bulk of opinion seems to be against this supposition. Youatt in his work on the cattle of Great Britain says: "There appears to be the remnants of two distinct breeds of aboriginal cattle, one in the parks of Chillingham, in Northumberland; the other at Chateaubert in Lanarkshire. The first are middle-horned, and the second are polled. In continuation of the first we have the Devon, the Hereford, the Sussex, and the Highland cattle. The others would appear to survive in the Galloways, the Angus humbles, the Suffolks and the Northolks." This may be a feasible supposition, but it is just as likely that these wild cattle are the descendants of the domestic animals escaped into the forest, and become wild there. Youatt says: "In the comparative roving and uncertain life which our earlier and later ancestors led, these cattle would sometimes stray and be lost. The country was then overgrown with forests, and the beasts betook themselves to the recesses of the woods, became wild, and sometimes ferocious. They, by degrees, grew so numerous, as to be dangerous to the inhabitants of the neighboring district. As civilization advanced, and the forests became thinned and contracted, these animals were seldom seen, and at length almost disappeared. They are still to be found in a few parks." Instead of attempting to domesticate the buffalo we have brought with us the breeds of cattle used by our forefathers in Europe. The buffalo is readily tamed and has been more than once used as the ox in the plow. To judge by the historical accounts he is a meek and mild animal compared with the ancient Urus. When the white man came to America the horse was unknown, now there are many bands of wild horses descended from those escaped from settlers both in North and South America. The most likely theory is that our modern breeds of cattle are descended from the domestic cattle brought into Europe by the early settlers. The Scots are said to have come across Europe and through Ireland into Scotland, from Scythia, and it is a singular fact that Herodotus, the historian, who wrote about B. C. 400, says: "In Scythia 'the oxen have no horns.'" It is therefore probable that the Galloways are the direct descendants of the old Scythian breed of polled cattle.

National Inspection of Meat.
The inspection of meat for interstate commerce is, by direction of Congress, conducted by the Bureau of Animal Industry. It was instituted in 1891, and now there are 128 abattoirs in 33 cities where the Bureau inspects all meat slaughtered. The number of live animals inspected in 1897 was as follows: Cattle, 8,250,025; sheep, 8,044,355; calves, 448,983; hogs, 25,566,744; total, 42,310,107. Of these the following numbers were rejected: Cattle, 25,146; sheep, 11,260; calves, 2,633; hogs, 53,114; total condemned, 92,304. This last total does not show a large percentage of diseased animals in this country, but it is unpleasant to think that, without government inspection, many of them would find their way into the butcher's block; some would be condemned by state or municipal inspectors. In addition to the above figures, there were post-mortem inspections of 26,550,559 animals, and 49,295 parts of carcasses were condemned. Besides, there were killed by city inspectors 641 cattle, 1,527 sheep, 40 calves, and 2,681 hogs that had been rejected in the stock yards by the officers of the Bureau of Animal Industry.

Angle of a Horse's Foot.—By the angle of a horse's foot is meant the angle formed by the wall and the ground surface of the foot at the center of the toe. In order to get the feet alike in shoeing trotters horseshoes usually measure the length of the toe and the height of the heel from the coronet to the bottom of the wall. It is well to remember that different horses may have toes and heels of the same length and height, and yet the angle of the foot may be different in each case. A study of a picture of the bones of the leg will show just what is meant by a straight line striking the center of the pastern and coffin joints. It means when a straight line will pass through the center of both position bones and the coffin bone.—Horse Review.

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 ceteras in proportion, makes an ordinary meal for George Washington Walker of Argos, Ind. His food seems to rapidly 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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