

Written for THE CONSERVATIVE.

THE SYLVAN SHADES.

(Song of the new party hunter.)

O, sweet are the sylvan shades!  
When the fields are a furnace, the streets are  
a stove,  
When its iron below us, and brazen above,  
When the outdoor is frying pan, indoor is  
fire,  
No heaven but ice for our soul to desire,  
Nor a physical function except to perspire;  
What a vision of rest are the verdurous glades!  
What a boulevard then are the brown colon-  
nades;

How sweet are the sylvan shades!

O, blest are the safe solitudes!  
When the ways of the world, for as wide as  
they be,  
Are all between Devil and deepest of sea;  
When a broad way that's narrow, or narrow  
and broad,  
Is all the election we have of our road;  
And each destination we easily tell,  
One leads to damnation, the other—as well;  
When the Argyromaniac howls on our right,  
And sixteen to one, he will vanquish us quite,  
But as loud and as wide on our left is the roar,  
O, glory and taxes! O, islands and gore!  
\*And our heroes go forth to their perilous  
knocks,  
\*And return, if at all, in a very bad—box;  
When one side is flames and the other is floods,  
This Ethiop gets to the woods!

It is lonesome, when one is alone;  
There is fewness, when nobody else is around;  
But better all that than some crowds we have  
found!  
And when one and another migrates to the  
wood,  
A council of freemen at times they have stood;  
Till the shore and the valley, the city and  
plain,  
Have learned to mistrust what the woods may  
contain;  
They were vagabonds once, but they get them  
a name,  
When the forests at large are replete with the  
same;  
They have left all the world, and they come to  
their own;  
They will not be always alone!

\*Considered of doubtful authenticity.

THE CHICORY BOUNTY SWINDLE.

LINCOLN, Neb., June 30, 1899.

HON. JOHN F. CORNELL,  
Auditor of the State,  
Lincoln, Nebraska.

Dear Sir; On the first day of July, or shortly thereafter, a demand will probably be made upon you by one E. E. Balch, trustee, to draw your warrant upon the state treasurer of this state for the sum of \$17,840.23, the amount appropriated by House Roll 603 for The American Chicory Company. As a citizen and taxpayer of this state I take the liberty of calling your attention to House Roll No. 67, of the Session Laws of 1895, at page 57, the title of which reads as follows: "An act to provide for the encouragement of the manufacture of sugar and chicory and to provide a compensation therefor." It is suggested that this act is unconstitutional for the following reason. Article 3, Sec. II, of the constitution provides: "No bill shall contain more than one

subject and the same shall be clearly expressed in its title." Clearly this bill contains at least three subjects, viz:

1. To encourage the manufacture of sugar.
2. To encourage the manufacture of chicory, and,
3. To appoint a weighman and inspector of beets.

It will be observed that in the body of the act it is attempted to invest the secretary of the state with the appointment of certain officers. One class designated as inspectors, another class designated as weighmen and another class designated as assistant weighmen, and their duties are pointed out. So that in reality we have three acts embodied in one. One act providing for giving bounties to sugar manufacturers, another act providing bounties for chicory manufacturers, and another act providing for the creation of a set of officers to inspect and weigh the products when manufactured. It would seem to me that if the constitution means anything it means that such legislation is not permissible in this state. Aside from this legislation being unconstitutional we think it is of the most pernicious kind in that it seeks to take the money from the pockets of the taxpayers of the state at large and put it into the pockets of a few engaged in special industries, which confessedly are not profitable. For if they are profitable then the bounties so obtained are filched from the people by fraudulent pretenses. If the legislature has the right to bestow bounties for the manufacture of chicory, an adulterant and substitute for coffee, then they have the right to collect by taxation from all of us money to bestow as bounty upon those engaged in the manufacture of oleomargarine, an adulterant and substitute for butter, or for any other article of manufacture. We think that one of the most righteous acts of Governor Holcomb was to veto this bill. And we trust that the auditor of state will not, until required by law, assist in drawing the money out of the treasury for this purpose until he sees that every requirement of the law has been fulfilled, should he hold that it can be withdrawn at all.

By Section 9, Article 9, of the state constitution it is provided that:

"The legislature shall provide by law that all claims upon the treasury shall be examined and adjusted by the auditor, and approved by the secretary of the state, before any warrant for the amount allowed shall be drawn; Provided, That a party aggrieved by the decision of the auditor and secretary of state may appeal to the district court."

And the legislature in 1877 passed a law providing for the examination and adjustment of claims upon the state treasury. (Laws, p. 202; Compiled

Statutes, Chap. 83, Art. 8.) Section I of the act is as follows:

"All claims of whatever nature upon the treasury of this state, before any warrant shall be drawn for the payment of same, shall be examined and adjusted by the auditor of public accounts, and approved by the secretary of state; Provided, however, That no warrant shall be drawn for any claim until an appropriation shall have been made therefor.

"Section 2. The auditor of public accounts shall keep a record of all claims presented to him for examination and adjustment, and shall therein note the amount of such claims as shall be allowed or disallowed, and in case of the disallowance of all such claims, or any part thereof, the party aggrieved by the decision of the auditor and secretary of state may appeal therefrom to the district court of the county where the capital is located, within twenty days after receiving official notice. Such appeal may be taken in the manner provided by law in relation to appeals from county courts to such district courts, and shall be prosecuted to effect as in such cases; Provided, however, That the party taking such appeal shall give bond to the state of Nebraska in the sum of two hundred dollars, with sufficient surety, to be approved by the clerk of the court to which such appeal may be taken, conditioned to pay all costs which may accrue to the auditor of public accounts by reason of taking such appeal. No other bond shall be required.

"Section 3. In case the appeal shall be taken as provided in Section 2 of this act, and on trial thereof the district court shall be of the opinion that the decision of the said officers was wrong, either in fact or law, the said court shall reverse the same, and by its order and mandate require the said auditor to issue a warrant in accordance with the provisions of Section 1 of this act, upon the treasury, for such an amount as shall be determined on the trial of such appeal to be legally due thereon. If either party feel aggrieved by the said judgment, the same may be reviewed in the supreme court as in other cases.

"Section 4. No claim which has been once presented to such auditor and secretary of state, and has been disallowed, in whole or in part, shall ever be again presented to such officers, or in any manner acted upon by them, but shall be forever barred, unless an appeal shall have been taken, as provided in Section 2 of this act.

"Section 5. When a claim has been in part allowed by such officers, a warrant shall be drawn as in other cases where the whole claim shall be allowed."

Here then is not only a constitutional provision, but an imperative statute, which requires, before any warrant shall be drawn by the auditor upon the