

**REVENUE BY FALSE PRETENCE.** Imitating the pernicious practice of congress the legislature of the state of Missouri has been making laws under false pretences. The federal law for taxing oleomargarine was pretendedly for revenue but really to help raise the price of cow-butter. It was a false pretence. It domesticated the protective tariff. It taxed one industry to weaken it and to strengthen another industry.

And now the state of Missouri—pretending to provide for the inspection of beer and to provide for the health of those who drink beer—seeks to tax beer and brewers.

At the October term of the supreme court of that state for the year 1899 the validity of this was argued.

Fred W. Lehmann, who is remembered by THE CONSERVATIVE as an industrious and very promising student of law at Nebraska City in the office of Chief Justice Mason, is a leading lawyer in the case at bar. It is our good fortune to have a part of his argument which we give herewith to the readers of THE CONSERVATIVE with great pride and satisfaction. Mr. Lehmann remarks:

"The inspection bill provides, in section four:

"No person, persons or corporation engaged in the brewing or manufacture of beer or other malt liquors, shall use any substance, material or chemical in the manufacture or brewing of beer or other malt liquors, other than pure hops or pure extract of hops, or of pure barley, malt or wholesome yeast, or rice."

"The comma between the words 'barley' and 'malt' may not have been designedly employed, and if such be the case the formula is 'pure hops or pure extract of hops, or of pure barley malt or wholesome yeast or rice.'

"So far as the act excludes the use of chemicals and insists upon the purity of the prescribed materials, we do not complain of it.

"We do complain, however, that if the law is complied with malt liquors cannot be made at all, for it prohibits the most important element in their composition, and that is water. Ninety per cent of all malt liquor is water.

"Why was water prohibited? Can it be that the legislature did not deem it a

**Water Prohibition.** wholesome ingredient? If so, the prohibition is too narrow and water as a beverage should have been prohibited altogether. It may be answered that the use of water in the brewing of beer was taken for granted, but this is to read into a formula which assumes to be full and complete, something which is plainly excluded, and which for the ostensible purpose of the act should have been taken into account as much as anything else. It is essential to the purity and excellence of beer that the water

shall be pure. Not all water is fit for the purpose. If it is strongly impregnated with minerals it cannot well be used. If charged with organic matter it ought not to be used. There is no better vehicle for conveying disease germs than water. If water may be used at all under the act, it may be drawn from any source, from an infected well or from a tainted stream. But having regard for the plain language of the act, water may not be used at all. And it will not serve to say that the legislature could not have intended so absurd a thing as to exclude it, for evidently the legislature had in mind not the public health, but the public revenue and enacted an impracticable inspection measure because no thought was given to the subject of inspection.

The formula for an additional reason prohibits the manufacture of weiss beer.

**Weiss Beer.** It prohibits the use of wheat, which is the cereal employed in brewing weiss beer. They certainly did not considerately condemn the use of the mildest of all malt liquors, for such weiss beer is; they simply took no thought of it. They had in mind always and throughout the great lager beer breweries of the state as sources of immense revenue. While the weiss beer industry is a small one, aggregating only 5200 barrels per year, still it is not to be arbitrarily nor even inadvertently crushed.

It is a matter of common knowledge that in the brewing of lager beer corn is extensively used.

**Corn Beer.** The government of the United States, through the department of agriculture, has been engaged for years in persistent endeavors to introduce corn as an article of food to the people of Europe, and has especially and not without success commended it for brewing purposes. In the year 1893 three hundred millions of pounds of corn were used by the brewers of the United States, and from year to year it is being more extensively used by the brewers of England and of Continental Europe.

"Why did the General Assembly prohibit its use to the brewers of Missouri? For the same reason that water was excluded. Because nobody thought, nobody cared how to make beer, but only how to tax it. Surely they do not mean to say that corn is not a 'wholesome ingredient.'

"The use of corn as meat and drink by our people is coeval with the settlement of the country. Corn bread

**Corn Gospel.** was the daily—nay, the three times a day—food which furnished the wholesome, albeit frugal, tables of our hardy pioneers. And in their travels through the forests and wildernesses, blazing the paths of progress which we have but broadened, their whole commissary was the hunger-sating journey-cake, carried in the capacious pockets of their coat-tails. And today the utmost progress

of gastronomy has not carried our people, unless it be a few degenerate children of luxury, beyond an appreciation of the roasting-ear cooked and served on the cob, while even the Sybarite revels in the flapjack when it is browned by the skill of the housewife into a tan like that upon the brow of the husbandman, and made toothsome by the application in ample quantity and judicious proportion of real, yellow, cow-butter and syrup from our own lordly maple trees. The Missourian who pronounces corn an unwholesome food is false to all his traditions and is unworthy the mother who bore and reared him. The excommunication of this chief staple of our fields was not intelligently, was not consciously, done. Our legislators were thinking of gain, ungodly gain, of revenues to be illegitimately gotten, and minds thus bent had no place for the associations, the hallowed associations, that cluster around Indian corn.

And what is there in the alembic of the brew-house to convert this wholesome minister to a toil-whetted appetite into a potion of disease and death?

"The gods of Greece drink nectar on high Olympus; Thor and Odin bout with

**Missouri Ambrosia.** mighty mead in Walhalla; Horace sighs in verse over his Falernian, and his degenerate son feebly dissipates in Chianti, but the beverage of the Missourian, when he would kindle his soul to thoughts of high emprise, is whisky. It may be hand-made or machine-made, it may be sour-mash or sweet-mash, it may be made in the hard light of the revenue collector's eye, or in the mountain vale that's illumined only by the soft, shimmering shine of the moon, it may be taken straight or with

"Some sugary aid to make it sweet,  
Some acid smack to sour it."

its attractions, by those who would gild refined gold or paint the lily, may be enhanced by the fragrance of the mint with which our streams are redolent, but, however made, and whether or not tax paid and whether taken with all the borrowed charms which 'the obliging mixer of life's elixir' can supply, or in the beautiful simplicity in which it gurgles from the jug, it is always whisky, it is clept bourbon and it comes from corn.

"And did our sapient Solons bethink themselves that this whisky, before it was distilled, must

**Treason to Missouri.** be brewed, and that when it was brewed it was beer, and the corn beer they have condemned at that, and that the distillation which follows the brewing is simply a means of condensing the virtues of the beer, bundling its thousand delights into such small compass that mortal lips can garner them all in a single sip? We are forced to believe that they knew not what they did; they were guilty of deliberate treason if this fell act of theirs was consciously done."