

MESSAGE OF SHALLENBERGER

Governor Opens with Reference to the Bank Guaranty Law.

DAYLIGHT LAW IS PRAISED

Appropriation of Eight Hundred Thousand Dollars for Library and Supreme Court Building is Recommended.

(Continued from Page One)

As commonwealth along most lines, but sheerness of minor laws has always been difficult to secure in any country. I can find no other commonwealth in the republic that has less of poverty, ignorance, crime or drunkenness than our own fair state of Nebraska. But we in common with all of our sister states are lacking in public sentiment that shall insist upon a respect for and obedience to the laws, which the people enact through their legislatures. I know there are some who continually cry for new laws and new laws from each succeeding legislature, but a comparison of our law enforcement with that of other nations and an observation of the tardiness with which justice is done, the careful student of the problem to admit that our weakness is not so much in our lack of laws, but rather because of our failure to enforce their provisions after they are written upon the statute books of the state. I am not a lawyer, but if I cared to take the time I could cite a hundred statutes, now encumbering the law books of the state, which have never been enforced and are a reflection upon the effectiveness and the forcefulness of our civilization. What is needed most at present is a healthy public sentiment that will compel a decent respect for and obedience to the laws we now have and also men in office with the honesty and the courage and the determination to see that the law is fully and impartially enforced. It is futile to pass laws if men may disobey them with impunity and especially in this so-called law limiting or controlling the sale of liquor.

Under the Sackett Law.

"Realizing this weakness in our present administration of law and justice, a previous legislature enacted what is commonly known as the Sackett law. Under this statute if an official empowered with the enforcement of law is authorized to instruct the attorney general to commence action in the supreme court against the offending officer. The court may in its judgment appoint a referee to take testimony to ascertain if there is any ground for such action. After a hearing is had and testimony taken the referee shall make his report back to the court and the court may take such action as it shall deem just. This law has been much talked about and I think the governor's power under it has been greatly over-estimated and misunderstood by the general public. Its value as a means to law enforcement has yet to be proven. It has been invoked by an executive but once since it was adopted by the legislature and that was by myself. Because of the time required under the necessary court procedure as indicated above its value as a remedy for the evil it was presumed to correct is greatly impaired. It takes too long to get results by this act under present methods. It seems to be somewhat the rule of late to elect governors of this state for but one term and unless the executive shall commence an action against a delinquent official soon after he is elected he is very likely to go out of office himself before he can hope to secure a decision as to the delinquent officer. If power over an official who shall fail to do his duty is to be in any manner vested in an executive then I believe that the governor should be given the right to hear complaints against officers empowered with law enforcement and upon a satisfactory showing being made to him that the official complained of is guilty as charged the governor should have the power to suspend the delinquent official pending an appeal to the supreme court. At the governor's conference held in Washington, D. C., January last, Governor Hughes of New York, now Mr. Justice Hughes of the United States supreme court, and many distinguished executives of other states, expressed themselves as believing that this power should be lodged in the executive. If this is thought too great an authority to vest in the governor, and I admit it is in a certain sense an arbitrary power, then the present act should be amended so as to provide for immediate trial and decision by the court in giving precedence to these matters over all other questions before that body. I, perhaps, ought to observe in passing as evidence of the efficiency of the Sackett law that since the attorney general has commenced to take testimony in the ouster suit against the chief of police of Omaha I am reliably informed that the police force of that city have suddenly screwed down the lid so tight that ginger ale is now considered strong drink in the metropolis after 5 o'clock.

Board of Control.

"The general management and administration of the institutions of the state should be placed in the hands of a non-partisan central board of control, authorized by constitutional amendment to take from the Board of Public Lands and Buildings the labor and duty of managing and directing the various state institutions now under their control. This board should consist of three or five members to serve for not less than five years and to be appointed by the governor. It should make their plans daily to see that efficiency and not political pull should determine, as far as possible, the personnel of the employees and officers of the state institutions. The members should not be all of one political party and in order to make this latter requirement effective a civil service commission can be created to examine and certify candidates to a place upon the waiting list of those desiring employment of the state and the board should be required to fill appointments from those who have passed a satisfactory examination. Unless this is done, in my judgment, it would be just as well to leave the responsibility of appointments in the hands of the governor as at present, as otherwise we will only change from the selection of state appointees by the leader of one party to that of appointment by a party majority of a Board of Control.

State Finances.

"The state's finances are in excellent condition. The treasury is showing a satisfactory balance in the different funds and the state has no unpaid bonds or obligations of any kind. For the first time in its history at the date of the assembling of the legislature, Nebraska is out of debt. The salaries paid to the state officers who administer the affairs of government are fixed by the constitution. This document was adopted by a convention assembled a time when the state was young and short on income. Nebraska is now rich and prosperous; we are entirely out of debt. The amount of wealth piled up each year by the people of the state is now larger than that produced by a like number of citizens in any other commonwealth of the nation. The duties and responsibilities of those who administer the affairs of state have increased enormously,

particularly in the executive branch, because of the creation of so many new departments which, because of constitutional limitations, have necessitated being made adjuncts of the governor's office. A quarter of a century of state expansion and development has produced new conditions, and, therefore, it is unfair and unjust to expect the state to pay at personal loss to themselves, because of the low salaries paid and the demands placed upon them by reason of the positions which they hold and which they cannot escape. The state can and should provide fair and adequate salaries for its servants. The responsibilities of the governor of this state and the demands made upon him are greatly in excess of those of a congressman or a United States senator and the dignity of the state and justice to the executive, demands that the governor should, at least, receive a salary equal to that of a member of the national house of senate. The attorney general of this state should be a lawyer competent to combat the best counsel that the bar of this state or any other commonwealth affords. Corporations pit against him the brightest and keenest legal minds that money can hire. Questions involving the people's money are often-times staked upon his ability and judgment. He should be paid a salary of at least \$5,000 per annum, and the state treasurer should receive a like salary, because of the responsibilities of the office and the great business judgment needed there. The other state officers should have their salaries increased in degree commensurate with their responsibilities and duties. I recommend that an amendment to our constitution be submitted to the people for their approval, providing for a proper increase in salaries as suggested above, which is in line with that made by my predecessor, Governor Sheldon. I believe the people of Nebraska will sanction a reasonable increase of salary to their officers, if given the opportunity to do so.

For a New Building.

A tax levy to raise \$500,000 for the purpose of erecting a building to house the supreme court, the state library, the attorney general's office and the State Historical society is recommended. This if the present legislature is not ready to undertake the task of providing the state with a proper state house building. The governor expresses the opinion that the present state house can be repaired so that it will be of service for a long time and that with the \$500,000 building proposed, the state can worry along with its present capitol building. A 1 mill levy is proposed to raise the amount. An appropriation for a monument to General John M. Thayer at Yankton, South Dakota is recommended. The governor hopes the George Chester French monument to Abraham Lincoln will be suitable when completed. A state reformatory for first offenders to be established in connection with the juvenile reformatory at Kearney is suggested.

State University.

"The state of Nebraska has a very great university in an exceedingly small situation. It is tightly wedged in between business blocks, street car lines and railroad tracks, until it has been squeezed into all sorts of shapes both as to the style of the architecture of its buildings and as to their places upon the campus. The university should expand and spread out nightly in the near future, if it is to meet the expectation of its friends and the hopes and the wishes of the people of the state. To acquire sufficient ground for an adequate addition to the present campus will cost from three-quarters of a million to a round million dollars. Adjoining the outskirts of the city, the state has 200 acres of land, which is ideally located for university campus, and upon this splendid site a plan of university development can be achieved at unequal beauty and utility. Eighty acres of this land should be devoted to the purpose of a university campus. The college of arts and sciences should be removed to this new campus as rapidly as possible. The law, medical and engineering colleges can remain for a time as at present located. If desired, the present location could ultimately be disposed of to the city of Lincoln and would make a first-class site for a city high school building. The cost of maintaining in separate situations two great educational plants as at present done is greatly in excess of what it would be if the two institutions were combined under one general scheme. We have now reached a period of growth and development in Nebraska when we can look with courage and understanding into the future, and we should begin to take some definite steps in matters such as the permanent development of this our great central educational institution, the University of Nebraska. Competent architects should prepare a plan of such magnitude and beauty as will make this work when completed, a monument to our devotion to education, and a source of pride and continual benefit to future generations. The legislature from session to session should with judgment and generosity provide funds necessary to carry forward and finally complete some such plan of university development when once it has been adopted and approved by the legislature and the board of regents.

"The money that would be needed to alone buy the necessary land adjoining the present campus would go far toward erecting the buildings designed for the farm site. If the state needs more ground for experimental farming, because of the setting aside of a portion of the present farm for the university campus, such land as would be needed can be purchased at a short distance from the present farm for mere bagatelle compared with the price of a single city block in the heart of Lincoln. The university is measuring up to the expectations and desires of the people as an intellectual center and its leadership in the educational matters is unquestioned, inspiring and effectual. It should provide liberally for its needs and at the same time with judgment as to the manner of the expenditure of the funds provided by the legislature."

General Suggestions.

"A new wing for the state hospital at Lincoln, and for the normal school at Kearney are recommended. To maintain the highways of the state, county highway commissioners, properly qualified, should be authorized for each county. A head tax, and no other, should be levied on each automobile owned or driven in the state, the proceeds to be devoted exclusively to the maintenance of the highways. This fund, together with the income from the inheritance tax, will go far to maintaining good roads in Nebraska. The national guard should be liberally provided for. A state board of pardons should be provided, to relieve the governor of the unpleasant responsibility that now devolves upon him. Primary Election Laws. The primary election law comes in for a very lengthy discussion. A closed primary is favored. "The law now in force," says the governor, "provides to be an open primary, but is in effect open for the political party to clandestinely vote for a candidate whom he has no intention of supporting at the general election, while at the same time the honest voter is bound by the provisions of the law and his own sense of party honor and votes in the column provided for the party which he claims his allegiance. Nominations by primaries is still in an experimental stage in this state." Other defects in the law and the system are pointed out, especially the expense of conducting the primary campaign, and the following is quoted with approval from an unnamed Iowa statesman:

There should be a system of registration provided so that it would be impossible for a democrat to vote for a republican candidate or for a republican to vote for a democratic candidate for nomination at a primary election. No republican should have the right to vote for a republican candidate, and no democrat should depend upon republican votes for his nomination. The matter of selecting candidates is left entirely to the party which the candidate represents the best man in each party will usually be nominated, and every candidate's nomination will stand upon his merits and his party's platform and come before the people as the choice of the organization with which he affiliates. This applies to all parties and I only refer to the democratic and republican parties because they are the two leading parties in the state and nation.

Initiative and Referendum.

Elaborate consideration is given the question of initiative and referendum. Experience of states in which the proposed practice is in vogue is referred to, and expressions from the officers of those states are quoted. Details of the probable form the law should take are given lengthy consideration, and the following recommendations are made: "I would recommend that the amendment to be adopted should require a petition of more than 10 per cent of the electorate of a state to initiate legislation and not less than a per cent of the same vote to invoke the referendum. This represents the consensus of opinion of the authorities which I have gathered from every state that now has the law in operation and from those who are warm advocates of the idea. "The amendment should provide that only a limited number of measures should be submitted at any election if a satisfactory rule for preference can be determined. selection at which a constitutional amendment is submitted should be required to be cast in its favor to secure its adoption. "That at least 75 per cent of all the votes cast at any election be required to be cast upon a statutory measure submitted to the people, under the initiative, before it shall be declared carried. "The measure to be voted upon should be printed upon the same ballot as that upon which the candidates for office appear, and the names of the candidates by suitable ballot title to be drawn under the direction of the attorney general, reserving to the petitioners the right to appeal to the supreme court if dissatisfied with the descriptive title furnished by the legal authority of the state, they to submit to the court a ballot title satisfactory to the proponents of the measure, and the court thereupon to promptly decide as to which title will best inform the voters as to the meaning and object of the proposed law. "Information as to the measure to be submitted, under the initiative and referendum, should be furnished to the voters by advertisement in the newspapers of the state as now provided by law for constitutional amendments, and also by printed arguments, pro and con, offered by those for or against any such measure, the same to be printed by the state and distributed to the voters for their information and guidance. I would suggest that the measure from the present ballot form as provided by statute, but in any event the proposed amendment should expressly provide that votes shall not be counted either for or against any amendment or statute unless the voter shall indicate his will by marking on the proper ballot the special ballot opposite the measure submitted. "Based on Experience. "I have gone to considerable length to give you my views upon the primary question and the initiative and referendum, because these are matters dealing directly with the fundamentals of government. I am appointed by him last June as a result of my better judgment, because I have a well-grounded objection to the exercise of the veto power by the executive except in grave cases and I had not expressed my views fully upon that matter in my message to the former legislature, and, therefore, I am now in a position to give you my views and the knowledge that I have gained in the interim, and the state has honored me with, and after diligent and earnest study and consultation with the executives of many other states of the union, and others in authority, whose judgment I believe valuable, because of the opportunities they have had to gain knowledge of first-hand, I have the confidence that you will use the utmost care and consideration and exercise your best judgment in these questions as well as every other matter that shall come before you pertaining to the welfare of the state. "I wish to express to you, and to the people of this state, my appreciation of the honor done me in entrusting to my care the high office which I am about to leave and to say to you, gentlemen of the legislature of Nebraska, that I hope that your duties will prove a pleasant task to you personally, and that the session may result in satisfaction to all, to the members here assembled and to the people of the state, respectively submitted. "ASHTON C. SHALLENBERGER."

German Ship Owners Say the Sherman Act Does Not Affect Them

Officers of Hamburg-American Line Issue Statement About Suit Against Steamer Trust.

HAMBURG, Germany, Jan. 5.—No anxiety is expressed in local shipping circles concerning the outcome of the suit instituted by the United States government to close American ports to the vessels of the thirteen defendant transatlantic steamship companies comprising the Atlantic conference so long as they continue an alleged agreement to apportion all traffic to ports and destroy the competition of other carriers engaged in the steamer passenger trade between the United States and Europe. In a statement issued from the offices of the Hamburg-American line today it is explained that the suit is welcomed with confidence that the Sherman act, under which the action is brought, will be deemed inapplicable to foreign companies. "The foreign companies themselves," reads the statement, "consider a legal action for the purpose of testing whether the American anti-trust law affects their position. They are convinced that the suit will serve only to clear up the situation and prove the law inapplicable to them, thus putting an end to the agitation of competing carrier parties who are the sole instigators of the movement."

Daniel Courtney is Re-covering.

YANKTON, S. D., Jan. 5.—(Special.) It is now believed that Daniel Courtney, who has been believed to be dead ever since he was shot by George Ross, near Yankton, is still in the world. He has been going to life. He has been doing remarkably well of late and is now gaining strength in due shape.

Clearing the Decks for Action. December just passed totaled the greatest December in sales in the history of our business. All Departments—retail—branch stores—wholesale (by the way, we now have nearly 167 wholesale agencies in Nebraska, Iowa and South Dakota) contributed their share in sales—breaking all previous records. Quite naturally in moving in one short month such an immense stock of High Grade, World Famous Pianos of such makes as Steinway, Weber, Steger, Hardman, Emerson, McPhail, Mehlin, A. B. Chase, Wheelock, Steck, Stuyvesant and the Hand-Made Schmoller & Mueller. We were frequently obliged to accept in exchange on these new pianos used instruments. From all our branch stores, from every wholesale agency, we have assembled here in Omaha these taken-in-exchange pianos; have put them through our factory, thoroughly overhauled them. Where necessary they have been rebuilt. Each instrument has been repolished, tuned and made near-to-new. Placed on our floors for prompt inspection and sale Friday morning are these, the best values ever offered music lovers in Omaha or vicinity. These are not hold-overs from our recent record-breaking Contest Sale, for that sale cleared our floors of every used piano. We could have sold twice as many to interested purchasers if we had had them in stock at that time. You will positively save in purchasing now all the way from \$75.00, \$100.00, \$150.00 up to \$200.00 on the Bargains in Pianos Taken-in-Exchange as compared with the regular retail prices when new. There will be no need to urge Piano buyers to hasten. They will snap these values up. The reputation of this firm insures a square deal on every instrument offered. Lowest prices and terms that you couldn't begin to secure except at Schmoller & Mueller's. Here follows a limited number of the

Table listing piano models and prices: \$400 Hallet & Davis \$35, \$500 C. D. Pease & Co. \$65, \$300 Kimball, ebony case \$100, \$350 Kroeger Upright \$115, \$450 Knabe, rosewood case \$125, \$400 Chickering & Son, rosewood case \$135, \$350 Kimball Upright \$150, \$400 J. & C. Fisher, walnut case \$150, \$275 Davis & Sons, mahogany case \$185, \$600 Steger & Sons, mahogany \$200, \$650 Stuyvesant Pianola Piano \$450, \$250 Knabe, mahogany case \$200, \$400 Steger, oak case \$225, \$600 Decker Bros., mahogany case \$225, \$450 Ivers & Pond, walnut case \$225, \$500 Chickering Bros., best style \$275, \$500 J. & C. Fisher, best style \$275, \$750 Steinway, rosewood case \$450, \$600 Knabe, best style \$390, \$650 Regina Sublime Piano \$400, \$250 Cecilian Player \$100, \$250 Pianola \$75, \$650 Player Piano \$375, \$950 Weber Pianola Piano \$600, ORGANS, \$60 Kimball \$25, \$75 Bent, oak case \$27, \$80 Story & Clark \$26, \$150 Lehr Piano Case Organ \$75, \$150 Windsor Piano Case Organ \$65, \$75 Earhuff Chapel Organ \$20

Not to Be Matched. Terms of Sale Are These: No Money Down—Free Stool—Free Scarf—Thirty Days Free Trial—Then \$1.00 a Week. Please understand in considering this opportunity now presented that this sale must clear the decks for action by making room for our season's stock of 1911 styles. To secure the benefit of the best value of this sale you must come in early in order to select the instrument which meets your approval. You will find one in our stock that meets your desire in tone, construction and finish. And more than you expected to receive in the great saving in price. You'll discover what thousands of piano buyers every year have discovered, that Quality, Price and Terms always bear a most intimate relation in the instruments offered and sold from our salesrooms. These values will not wait. The instruments offered, the money to be saved, the not-to-be-equalled terms granted—all make necessary speedy action. Mail Orders Given Prompt Attention. Every Instrument Fully Guaranteed or Money Back.

Come Early Friday Morning. Doors Open Promptly at 8 Schmoller & Mueller Piano Company 1311-1313 Farnam St. Phones, Doug. 1625; Ind. A-1625 OUR 51ST YEAR OF BUSINESS

MONEY FOR IRRIGATION WORK. Report of Engineers Favoring Loan Allotments Sent to Congress. TWO MILLIONS FOR NORTH PLATTE. Report Also Recommends Tentative Allowance of Two and Half Millions More from General Fund. WASHINGTON, Jan. 5.—President Taft submitted to congress today the report of the special board of army engineers appointed by him last June as a result of legislation passed that month to examine the various reclamation projects upon which work had been started by the government and to recommend which of them should be given a share in the \$20,000,000 of certificates of indebtedness authorized, except those already set apart for the president power to appoint such a board. The board has recommended and the president has approved the allotment of the money among the following projects: Salt river, Arizona, \$600,000; Yuma, Arizona and California, \$1,200,000; Grand Valley, Colorado, \$1,500,000; Uncompagne, Colorado, \$1,500,000; Payette-Bolsa, Idaho, \$2,000,000; Milk river, Montana, \$1,000,000; North Platte, Wyoming and Nebraska, \$1,000,000; Truckee-Carson, Nevada, \$1,132,000; Rio Grande, New Mexico, Texas and Mexico, \$4,000,000; Omaha, Great Salt Lake, Utah, \$1,000,000; Klamath, Oregon, and California, \$900,000; Strawberry Valley, Utah, \$1,720,000; Sunny Side, Yakima, Wash., \$1,200,000; and Tielon, Wash., \$600,000. Tentative Allotment for Future. The board also made a tentative allotment among various projects of the general reclamation fund for the years 1911 to 1914, inclusive. This is the distribution of the \$20,000,000 loan and to carry on projects which do not participate in the distribution of the loan. The projects to share in this money are as follows: Yuma, \$2,800,000; Grand Valley, \$200,000; Uncompagne, \$1,500,000; Minidoka, \$250,000; Payette-Bolsa, \$1,500,000; Hunsing, \$100,000; Milk river, \$1,500,000; San river, \$1,500,000; Lower Yellowstone, \$750,000; North Platte, \$1,185,000; Truckee-Carson, \$1,000,000; Rio Grande, \$1,500,000; Missouri Pumping, \$275,000; Belle Fourche, \$400,000; Okanogan, \$1,000,000; and Shoshone, \$1,000,000. The allotments either from the loan or from the general reclamation fund were recommended for the following projects, except those for necessary maintenance and operation: Oregon, Cal.; Garden, City, Kan.; Kittitas, Wapato and Benton, Yakima project, Washington, Carlsbad, New Mexico, and Hondo, New Mexico. President Approves Plan. The president informs congress in his letter transmitting the report, that he approved the report "after careful consideration, believing that it sets forth a plan for the distribution of the loan and of the available reclamation fund, that, from an engineering and economic standpoint, will best serve the completion of those projects which should be given the preference in construction and completion over such projects, or parts of projects which are more remote and may properly wait until a later date for construction."

BRANDEIS STORES Annual Sale of Muslin Underwear Begins Monday January 9th. The Most Remarkable Bargains in Fine Undermuns Ever Offered in Omaha. SEE THE WINDOW DISPLAYS BRANDEIS STORES. PAVING TAX IS MUCH REDUCED. Board of Equalization Puts One-Third of Tax on City, Relieving Property Owners. Taxes on property owners for the paving of Cass street between Thirty-third and Thirty-sixth streets was reduced one-third by the board of equalization of the city council at its meeting yesterday afternoon. Property owners will now have to pay two-thirds of the tax for paving the street, the other third being taken by the city. Following this action the board took a recess until 9 o'clock Friday morning. Bigger, Better, Busier—That is what advertising in The Bee will do for your business.

Florida via Big Four and the cities of Cincinnati, Chattanooga and Atlanta. Through Sleeping Car Leaves Chicago 9:05 p. m. Arrives Jacksonville early second morning. Dining Car for all meals. Low winter tourists fares and choice of many routes going and returning. Tickets and full information on application to your local agent or to J. S. Willebrand, G. A. P. D., 233-4 City Nat'l Bk., Omaha. E. J. RHEN, Gen. Pass. Agt., Cincinnati. WARREN J. LYNCH, Pass. Traffic Mgr., Chicago. NEW YORK CENTRAL LINES. No Sneezing. WONDON'S CATARRHAL JELLY. WONDON'S CATARRHAL JELLY.