

GOVERNOR'S MESSAGE.

Governor Merriam Presents his Message to the Legislature in Joint Convention Assembled.

ST. PAUL, Jan. 14.—It was agreed that the Governor's message should be received by both houses in joint session as soon as the House received formal notification on the organization of the Senate. At 10:45 a. m. Secretary Van Duzee announced the organization and shortly after the Sergeant-at-arms of the Senate appeared followed by the Senators. Gov. Merriam then delivered the biennial communication, as follows:

Gentlemen of the Senate and House of Representatives:

Constitutional enactment permits me the opportunity of submitting to this body such facts and suggestions affecting the present condition of state affairs as are deemed worthy of consideration. Availing myself of this privilege, I shall first call attention to matters pertaining to general legislation, and later refer more specifically to such items as I regard of special importance. Permit me to reiterate the sentiment expressed in the communication to the legislature assembled two years ago as to the desirability of a careful scrutiny of all bills the purposes and requirements of which call for the expenditure of public moneys. Too much care cannot be exercised in this direction. Let the taxes be kept at the lowest point consistent with prudent and wise administration. The penal and charitable institutions, as well as our public school system, should be supported in a manner worthy of the state and its citizens, but every demand for increased facilities, or enlarged expenses, should be carefully considered and aid only extended when absolutely needed. Later on I shall take the liberty of expressing my views as to what sums should be allowed the different institutions. The opinions offered are based upon a careful computation of the revenues to be derived from various sources during the coming two years.

Allow me to say that I regard as a great and growing evil, in connection with all legal enactments, both state and national, the tendency towards class legislation. It is too common an occurrence for localities, and for individuals, to ask of the law-making power some action that will tend to their exclusive benefit. Laws should be passed that will bear upon and benefit equally all citizens, and the greatest care should be exercised that no advantage of any kind or character to the detriment of the general public be given to any especial class, or to any particular locality. It is quite the custom among many well-meaning citizens to demand of the legislature relief from every trouble, imaginary or real, many of the difficulties being from causes beyond its curative resources. All should be protected in their personal and property rights. Discrimination of any character that is to the advantage of one citizen and works injury to another should be studiously avoided as unfair, and not in accord with the spirit of free institutions. In this connection, too, I regard paternalism, so-called, in government, as an evil that will ultimately result in great trouble and endless confusion. It is a malady that seems to be spreading, and carried to its logical and legitimate conclusion will end in the building up of favored classes and localities, to the detriment of the great masses of the people. Your responsibilities in this direction are important, and I command to your consideration the necessity of avoiding all legislation of the character I have noted.

RAILROAD AND WAREHOUSE COMMISSION.

The report of the railroad and warehouse commission gives full insight into the work that has been accomplished under the direction of that body during the past two years.

Since the passage of the law creating the present board, the records will clearly demonstrate the fact that much has been accomplished that has been of direct benefit to the general public.

Among other things, and important, has been the gradual but material reduction in transportation rates for freight and passengers, an action that has resulted in requiring of the railroad companies equal consideration for all classes of shippers. We must not forget, however, that competition, improved methods in handling trains, newer and better machinery, lower grades, and the reduced cost of transacting business, aided by a continually growing traffic, have all assisted in making lighter the burdens of transportation. To my mind one of the greatest evils incident to railroad management is the pernicious habit indulged in by too many railroad officials of discriminating in favor of some patrons and against others. It is an abuse over which the public feel justly incensed. So manifestly unfair is it to give one shipper any advantage over another, that, in calling attention to the matter, to simply state that the practice exists seems to be all that is necessary at this time. The penalties for disobedience of the section of the law referring to discrimination should be so severe as to administer a lesson to him who breaks it that it will not soon be forgotten.

The commission in its reports of 1885, and of later dates, speaks of a certain form of discrimination that is worthy of your consideration. I quote from these reports relative to the system so common among railroad managers of bestowing free passes: "It is the conviction of this commission that the issuing of free passes as now practiced in this state is an unjust discrimination as against every passenger that pays, and thus opposed to the spirit of the act passed for the regulation of common carriers; that it is a fruitful source of corruption; that it is injurious alike to public and private interests, and to the interest of the companies themselves, and that it is one of the chief obstacles in the way of proper and necessary reform in railway management and the control thereof under authority of the state." The present law regulating common carriers especially permits the issuance of passes for the free transportation of passengers, although all other discrimination is prohibited under severe penalties. Comment is unnecessary.

It is gratifying to state that those sections of the law requiring that cars shall be furnished to individual shippers have been carried into effect more fully during the last two years than at any time heretofore. While there have been individual cases where the railroad managers have been derelict in their duty in this respect, yet on the whole the spirit of the law has been met, and its provisions generally complied with.

The decision rendered in March last by the supreme court of the United States, holding

that certain provisions of the act of 1887 regulating common carriers are not in harmony with the federal constitution, will make necessary some changes in our laws in this regard.

It was generally understood when the laws of 1887 were enacted that while the railroads were entitled to receive reasonable rates for service rendered, the legislature was the sole arbiter as to what rates were reasonable. It was also generally admitted that this power could be delegated by the legislature to a board or commissioners. With this in view, the law of 1887, as interpreted by the supreme court of the United States, delegated this power to the board of railroad and warehouse commissioners, and provided no means for a review of its action.

The court of last resort has determined that action upon such matters is not final either in a commission or in the legislature itself.

The power of the legislature to make reasonable rates for common carriers is not denied, but whether a given rate so made is reasonable is a judicial question, and must be settled as other matters of law and fact are determined, through the medium of the courts.

The statutory provision of 1887 should be so amended as to provide a plain, direct and speedy method of review of the orders of the commission, either through the medium of appeals or by direct proceedings on application of the board, or of any party or corporation interested, to the supreme court of the state. Much can be done in the direction of reducing the cost of marketing our principal cereal at the terminal points when the amendment suggested is carried into effect.

GRAIN INSPECTION.

One of the important interests entrusted to the board of railroad and warehouse commissioners is the inspection and weighing of grain. I confess to approaching this subject with diffidence, as I am not entirely positive whether our present system is all that can be desired.

The grading of wheat is not an exact science, but is largely a matter of individual judgment. Grain experts will not always agree, and as a result there is frequently a divergence of opinion between inspectors in the country and at terminal points of so marked a character as to produce much confusion and often dissatisfaction.

I have addressed communications to many of the leading farmers of the state, as well as to some of the prominent receivers of wheat, and with practical unanimity they concur in the opinion that the law, in its present form, with possibly some slight amendments, is as effective as any enactments that can be devised for the purposes intended.

Suggest that a board of appeal be provided at each terminal point to adjust any question of grades arising in connection with inspection. This I deem to be a wise suggestion. The problem of grading at local stations is more difficult to solve. It would be impracticable to maintain state inspection at the thousand and one points throughout the state where grain is bought, and therefore it would seem as if the small shipper must avail himself of the right to ship his wheat direct to the receiving points and demand state inspection and weights in case he is dissatisfied with the inspection of the local elevator agent. I am well aware that many hardships arise from undergrading at country stations, but I see no way whereby this difficulty can be overcome, save in the manner indicated.

THE STATE PRISON.

The board of managers of the state prison at Stillwater has submitted its annual report, giving an account of the important transactions that have occurred since the last legislature convened.

After advertising for bids for labor, in accordance with the law of 1889, and receiving none, a contract was made with the Minnesota Thresher company, whereby about 175 of the convicts were employed by that corporation.

The board of managers were reluctant to make this arrangement, but it seemed to be the wisest plan, all things considered. A large number of buildings within the walls of the prison were owned by the thresher company, having been the property of its predecessor. It was necessary in order to make the contract with the thresher company to agree to take these buildings as part payment for the labor furnished. There was a question in the mind of the attorney general whether these buildings, legally, were not the property of the state, as they were placed upon lands belonging to it, but as it was known that they had been constructed by the former contractor, and were in reality the property of his successor, in the interest of equity, the board decided to purchase them in the manner indicated. All question of ownership of the buildings is therefore now settled.

The contracts entered into by the board of managers to make a contract for at least ten years in order that the state may reap the full advantage of this plan of using its convict labor, it being practically impossible to induce capitalists to expend the necessary sum to utilize so large a number of men unless they are given a contract extending over a sufficient period of time to warrant a large outlay in establishing a permanent plant. A number of the convicts

have been employed in the labor of manufacturing wooden ware, with results sufficiently satisfactory to justify its continuance.

In accordance with quite a widespread sentiment, an attempt will be made to employ a portion of the prison labor in making binding twine. Machinery for this purpose, of the best character obtainable, was purchased upon satisfactory terms by a committee selected for that purpose. A guarantee has been given that the machinery will perform the labor claimed for it, and in case it does not meet requirements, the state is not obligated to take or pay for it. It is sincerely hoped that the experiment may prove a success. If results seem to make it desirable, additional machinery may be purchased, and the producing capacity of the plant increased. Should the attempt to manufacture binding twine result satisfactorily, it will be of incalculable advantage in producing a much needed article at home, presumably at reduced cost, and, in addition, the convict labor will be utilized in a way not to conflict with the free labor of the state. Some additional appropriation will be required to properly carry on the business of the manufacture of binding twine in accordance with the present plan.

THE STATE REFORMATORY.

The state reformatory at St. Cloud is in full working order, and is apparently accomplishing the result claimed for it. The building is entirely inadequate to the demands upon it, having within its walls more than can be comfortably cared for. It is no longer a question that much good can be effected in checking criminal impulses by means of reformatory methods, and to that end provisions should be made to enlarge the present buildings as to meet the requirements arising from the increased number of inmates.

HOSPITALS FOR THE INSANE.

A most careful and painstaking inquiry into matters pertaining to hospitals for the insane in this and other states has convinced me that we may make radical improvements in methods of construction and management. All that should be done cannot be accomplished at once, but a beginning may be made upon some well-considered plan that would eventually place our state, in this particular, abreast with the times and cause her institutions of this character to be recognized as embodying the best results of modern thought. In dealing with this subject we should not forget that the outcome affects the only class within our borders unable to make a demand or enter protest, and that for this reason our obligations to them are of the most sacred character. Nor should we fail to remember that these helpless wards of the state are the fathers, mothers, sisters, and brothers of our friends and neighbors.

I offer for your consideration the following suggestions, all important in any plan that has for its object the elevation of the standard of excellence of our hospitals for the insane, and some of which, in my judgment, may and should receive your immediate and careful attention.

Firs.—The corps of physicians should be so increased as to provide one for each one hundred patients. The practice of placing nine hundred to one thousand patients under the care of, say, four physicians amounts practically, to a herding of the insane, and, as it is contemplated upon the part of the state to cure as well as care for the inmates, one of the purposes for which the asylums are provided is in large measure frustrated.

Second—No physician should receive an appointment at an asylum until he has successfully passed a thorough examination before the lunacy commission, to test his knowledge of mental and nervous diseases, and his general fitness for the position.

Third—A training school for attendants should be established, and a course of lectures and practical instruction in the care of the insane provided. Before attendants are accepted permanently as employees of an asylum they should be required to graduate from such training school. There should be one attendant, at least, for every ten patients, and a graded system of promotion, all examinations being competitive.

Fourth—All the asylums should be furnished with a mortuary room, fully equipped.

Fifth—It is no longer a matter for doubt that in the large majority of cases improved mental condition results from giving employment to the insane. Upon this subject an eminent authority says: "The real value of occupation as a remedial agent in the treatment of insanity has not been appreciated until a comparatively recent date. In tracing the influence of occupation we are compelled to note its four-fold effect:

1. In the improvement of the general health and mental vigor of the patient.
2. In arresting tendencies to dementia.
3. In the reduction of violence and disturbances in the reformatory wards.
4. In the decrease of mechanical restraint.

There should be a separate industrial building, and the occupation of the patient should be adapted, so far as practicable, to his previous life and habits.

Sixth—Although it is not practicable at this time to make separate provision for the class known to the medical fraternity as the criminal insane, it is, in my judgment, desirable that it should be done whenever the necessary appropriation may be properly asked for. It is manifestly wrong to compel insane people of ordinary refinement and of respectability to associate with insane murderers, criminals and disreputable characters. How offensive to the mildly and harmless insane—to the mothers, wives and sisters—in their lucid intervals, must be this enforced association. Experience has shown that insanity simply intensifies criminal propensities, and it is a fact that the non criminal insane do not combine for any purpose, while the criminal insane are constantly scheming and attempting escape, thus necessitating greater precautions and a larger number of attendants.

I would recommend that greater supervisory powers be vested in the lunacy commission, and that it be charged with further responsibility in the commitment and discharge of patients. Some of the provisions of a law in force in the state of New York, covering this whole matter, and which in operation is giving eminent satisfaction, is well worthy your consideration.

FUNDING OF MINNESOTA RAILROAD ADJUSTMENT BONDS.

In July next the state may avail itself of the privilege, if it so elects, of paying and retiring the 4½ per cent Minnesota railroad adjustment bonds. The amount outstanding at this time is \$3,955,000. Of this sum all are held by the various trust funds of the state, save \$1,636,000. Of this latter amount a certain portion may be absorbed by the cash available in the internal improvement fund, leaving about \$1,500,000 of bonds which may be allowed to run at the present rate of 4½ per cent or funded into a bond bearing a lower interest charge. I would suggest that a funding bill be prepared permitting the proper officers to take up the bonds when the option may be availed of, in case any saving can be effected for the state. Should the condition of the money market warrant, I think a bond bearing a rate as low as 3½ per cent per annum could be sold at par. It would be well, also, to submit a constitutional amendment at the general election authorizing the trustees of the internal land improvement fund to exchange the land contracts in that fund, amounting to say \$1,800,000, for the adjustment bonds held in other trusts, and to provide that when so exchanged an equal number of bonds be canceled, thus extinguishing that amount of our debt.

AUSTRALIAN SYSTEM OF VOTING.

The last legislature enacted a law relating to the manner of voting and the holding of primaries in cities in this state containing 10,000 people or more, and a test of the plan (known generally as the Australian system) was made at the last general election. The law in the main worked satisfactorily, some minor changes being apparently necessary to perfect it. In my judgment the statute should be so amended as to make it applicable to the entire state, and I suggest for your consideration the desirability of causing such additions to the present laws as will accomplish that result. Public sentiment is fully alive to the necessity of throwing such safeguards about the ballot box as will insure purity in elections. No means should be spared to prevent fraud, intimidation or corruption at the polls.

EDUCATIONAL SYSTEM.

Our whole educational system is so excellent, and rests upon so secure a foundation, that I hardly deem it necessary to enlarge upon it particularly. The excellent character of the work being done in the university, in the normal schools and in the high schools is so generally known and appreciated as to require but little comment other than words of highest praise.

Some changes are needed in the direction of the management of the high schools of the state, as well as some additional appropriation to meet the natural growth incident to a rapidly increasing population. It would be well to enlarge the present high school board, consisting of three members, to five, the two additional to be selected, one by the board of regents and one by the normal school board.

The employment of a special secretary, who would devote his time to the inspection and improvement of the high and graded schools, seems to me desirable.

INSPECTION OF ILLUMINATING OILS.

At the last session of the legislature the law concerning the inspection of illuminating oils was amended whereby the fee system was abolished, and the position of inspector of oils made a salaried office, all emoluments arising from inspection being covered monthly into the state treasury. No appropriation having been made to pay his salary, the inspector deducted the amount due him under the provisions of the law each month from the fees collected. In March last, however, in a suit brought in the district court of Hennepin county by a company dealing in illuminating oils against the deputy oil inspector in that county, it was decided that the term "package" as used in the statute might refer to a receptacle for oil of any size, and that the vendor of oil was not compelled to submit to inspection by the barrel unless he so elected. The practical effect of the decision was such as to render it impossible to procure an inspector to serve who would be willing to accept the legal compensation for inspecting a "package" containing 100 or more barrels at the rate of 40 cents, that being the maximum sum allowed by the statute. As a result, and if other temporary measures had not been taken, illuminating oils would have been sold broadcast over the state without inspection, endangering, possibly, human life and property. After consultation with the attorney general and the representatives of the large dealers in illuminating oils an arrangement was made whereby the companies dealing in and distributing oil agreed to pay the salaries of three inspectors until such time as the law could be amended to meet the case involved. This was undoubtedly the best plan that could be devised to meet the emergency. I respectfully urge upon you the necessity of prompt legislation in connection with this matter.

Illuminating oil is very generally in use throughout the state, and provision should be at once made to avoid any calamity that might occur from a neglect to rigidly inspect the same. It might be well to consider the desirability of returning to the fee system, reducing the amount per barrel to ten (10) cents, in accordance with the law in neighboring states. The public will be better served, and the perquisites, after deducting the sum necessary to provide deputies to strictly enforce the law, would not aggregate an excessive

amount, in view of the labor performed. From such information as I have at hand, the number of barrels that are likely to be subject to inspection will not exceed 80,000 per annum in the cities of St. Paul and Minneapolis. There would perhaps be 25,000 to 30,000 barrels to be inspected in other parts of the state, to be handled by local inspectors. After deducting necessary expenses of rigorous inspection in the two cities it would leave between \$3,000 and \$4,000 as a salary to the chief inspector. Should it be deemed advisable to continue to pay a salary to the inspector, the amount should be provided for in the general appropriation bill.

THE NATIONAL GUARD.

I desire especially to call your attention to

the efficiency and excellence of the national guard. It is composed largely of young men from all parts of the state, many of them from the agricultural districts, who are devoting themselves with great earnestness and faithfulness to the manual training necessary to develop them into soldiers equal to any emergency. The reports of the adjutant general indicate a constant improvement in point of proficiency and drill and the other requisites for military service. It is well to have bodies of trained men for the purpose of protecting life and property should exigencies arise in the way of local disturbance; and in case of war with foreign countries, well-trained officers could be selected as the basis of material for organizing an army from the ranks of the national guard. At present no provision has been made to furnish overcoats or blankets to the men for use in case they are ordered out on duty in extreme weather. An appropriation for this purpose is manifestly a proper one, the articles purchased to remain the property of the state.

THE WORLD'S FAIR.

The world's fair, to be held in Chicago in 1893, will be an event of national importance, and proper steps should be taken by the legislature to insure a full exhibit of the resources of our state upon that occasion. No means should be omitted to have the various advantages of Minnesota made known to the thousands who will visit the greatest exposition of modern times. It will be necessary, in order that we may receive the attention commensurate with our wealth and population, to make an appropriation adequate to the proper representation of our vast agricultural and mineral products, and to formulate such plans as will call the attention of visitors to our matchless climate, our educational system and our manifold advantages in all that pertains to industrial and social life and development. It may be deemed wise to create a commission into whose charge this whole matter shall be entrusted. Consider this of special importance, and trust no means will be omitted to provide for full and complete exhibit, as the results that will accrue cannot fail to be of lasting benefit.

SWAMP LAND GRANTS.

I respectfully urge upon this body the desirability of disposing of several unsettled swamp land grants. The state has granted from time to time, during the last twenty-five years, quite an amount of swamp lands to aid in the construction of various railroads. Some of the roads have selected nearly or quite the number of acres to which they are entitled. Others have preferred to delay, for one cause or another, until a large amount of unfinished business has accumulated in the land office, necessitating the employment of extra clerks and causing more or less expense. Some of the grants have been forfeited by non-performance of contract, while others await further legislation to determine rights. A sufficient number of acres have been deeded to the state by the general government to fill the grants to railroads (saving possibly one road) and state institutions whose rights have been fully determined. The time has now come for the lands to be deeded to the proper parties and the state relieved of further annoyance and care. To that end I suggest that a law be enacted directing the parties entitled to land to select the same within a reasonable time, say three or five years, and after the expiration of that time to provide that all grants of every kind and nature be declared absolutely forfeited.

KANDIYOHIO COUNTY PUBLIC LANDS.

Permit me for the second time to call the attention of the legislature to the necessity of making some disposition of the lands in Kandiyohio county, amounting to some 6,400 acres, held for a capitol site. These lands should be sold and the proceeds turned over to the treasurer for the purpose of defraying the expenses of the state. There can be no possible advantage in retaining the lands longer, and much benefit will result to the citizens of Kandiyohio county if these acres are made subject to taxation. Several attempts have been made to dispose of this matter, but all have been futile. The sum of \$75,000 would be realized, it is estimated, from this source.

THE BANK EXAMINER.

The report of the public examiner gives in detail the result of the work accomplished in his department. Under the provisions of an act passed by the last legislature a large amount of work has been entailed upon the bank examiner in connection with the building and loan associations. I doubt very much the desirability of placing the various