

GOVERNOR'S MESSAGE

A VERY LONG AND ABLE DOCUMENT.

The Nebraska Executive Dismisses State Affairs Thoroughly and With Becoming Dignity—Defends the State and Makes a Number of Recommendations.

SECTION THREE.

Penitentiary.

By the census of 1890 it was shown that Nebraska had a population of 1,038,910. At the present time it is estimated that the population has increased to 1,250,000. By an examination of the report for the biennial period ending November 30, 1894, it will be found that the average number sentenced to the penitentiary was 1734, for the biennial period just closed as shown by the report of the present warden, is 1764. The number of prisoners confined in the penitentiary November 30, was 2141, the number imprisoned on November 30, last, for the same biennial period, was 273, thus showing a considerable decrease. It will also be observed, by the report of the pardons and commutations submitted herewith, that executive clemency has been exercised with less frequency than during the years previous, and the number paroled only a little in excess thereof. These statistics disclose Nebraska standing in a very enviable position respecting the low percentage of pardons and commutations, thus confirming the axiom that ignorance and vice go hand in hand.

The condition of the penitentiary upon the whole is very good. The present management has taken advantage of the opportunities which have been offered for improvement. A careful study of the history of the penitentiary since its organization will not disclose any two years of its existence during which greater progress was made than during the biennial period just closed. Credit for this condition is due to the efficiency of the management of the present warden, who by a wise and judicious policy has improved the standard of morals in the penitentiary, as well as made large reductions in the expenditures. This good record has been made by the warden, despite the fact that he has failed to receive the co-operation of most of those with whom he has had official relations in his management.

General Management.

The question of the management of penal institutions, is of course, difficult under most favorable circumstances. There are various methods of management, each having its own advocates. It is the encouragement of any method of management that will develop the reformatory features of prison life appeals strongly to the sympathetic and humane sentiments of mankind, yet it is to be borne in mind that the place should not be made inviting to the careless and wickedly disposed without fearing the punishment to follow. The humanity of the present age demands that punishment be not made a mere imprisonment or otherwise shall not be inflicted harshly, inhumanly, or in any manner that would tend to stiffen the better sentiments of a man, even though a violator of the law; but rather that the punishment should be one that is reasonable, fixed, certain and determined in its character. This may be brought about by confinement in the penitentiary in solitary cells, in restraint of liberty, in strict and rigid discipline, in plain, suitable and the most common quality and some particular uniform color and hard, steady and continuous labor during the period of confinement. I do not believe in a penitentiary that would make the prisoner, convicted frequently of the most heinous crimes known to mankind, with every luxury, form of amusement or intellectual recreation that would be regarded as special privileges by many of our citizens. I believe in honest and upright life. I believe in classification of the prisoners, so far as it can be done, with the view of separating the older and more hardened criminals from those who have committed, perhaps for the first time, an offense, and who sincerely repent, desiring to pay the penalty for the broken law, retrieve the mistakes of the past, and lead an honest and upright life. Such prisoners should be placed in a separate institution. It seems to me, might properly be done by constructing new cells in the new cell house in the east wing of the penitentiary, which is now used as a chapel. This would render less likely the temptation of prisoners without coming so much in contact with the more hardened class.

While some advocate changing the striped clothing customarily to be used in prisons all over the world, I understand it has been tried only in very few prisons and there found to work not very satisfactorily. Its advocates say it is degrading and humiliating for the offender to be required to wear this kind of attire, and it should be said with equal propriety that it is humiliating to be put in prison and restrained of one's liberty. The logical sequence of such reasoning would be to discharge all the prisoners and let them go their way and sin no more. We must come face to face with the practical side of depraved humanity and prison management of such, as well as to have the theoretical.

We have had in this state almost ever since its organization a form of prison management that has been debasing and degrading, a system of leasing the penitentiary and the convicts therein to selfish individuals for the purpose of their own profit at least in our view of this one objectionable feature of prison management. The last session of the legislature passed an act providing for the annulment of the lease of the penitentiary and also provided for the appointment of a commission to determine what should be found to be due the lessee by the cancellation of the lease. Under the provisions of the act the lease was cancelled, the appropriation being made by the legislature for the purpose being exhausted in the payment. This report is on file in the office of the land commissioner. The state is to be congratulated upon the consummation of such a laudable object as that of cancelling this lease, even at the expense it incurred.

Convict Labor.

After the state had taken full control and possession of the penitentiary and the labor of the convicts, an effort was made by the board of public lands and buildings to lease the penitentiary grounds, machinery and labor, thus returning to the objectionable system from which we had just freed ourselves. As soon as the intention of the board was understood, I took occasion to communicate to them my views in regard to the matter, in the nature of a protest, asking that the state should assume control of the penitentiary and of the labor of its convicts, except as the same had been contracted out under the old lease, and which by the terms of the act for its cancellation, were to be continued in force during the period for which they were made. The board, however, proceeded to again lease the penitentiary grounds for the purpose of making the labor of its convicts, subject to the subcontract mentioned. It occurred to me that this contract did not properly protect the interests of the state, was beyond the authority of the board to make, and might not be recognized as a legal and binding contract on the part of the state. The warden, being of the same opinion, declined to recognize the validity of the contract. The controversy was submitted to the supreme court, and an opinion rendered to the effect that the attempt to

annul the lease the prison and the labor of the convicts was illegal and that the board had exceeded its authority.

After the decision of the supreme court, the board called in Mr. James Whitehead and under the designation of agent of the board, he assumed to perform some duties connected with the management of the penitentiary, which might very properly have been done by the warden, under the direction of the board. The report of the board's agent is presented with the report of the land commissioner. I am satisfied that he has accomplished nothing that might not have been done by the warden, and that the expenses occasioned by his appointment were utterly needless. It is disclosed by the report of the agent that there has been collected by him, as the proceeds of the labor of the convicts, \$14,280.73. Of this amount there was expended \$10,014.97, and paid into the state treasury \$4,165.08. These expenditures I regard as having been made without difficulty of law. All moneys derived from the labor of convicts should, it would seem, be turned into the state treasury to be drawn therefrom on approved vouchers, in other cases, in the manner provided by the act of the legislature. It is not to make provisions for the proper employment of idle convicts seems not to have exceeded this authority, except temporarily from time to time, as shown by the report of the agent of the board. It also appears that the contracts or agreements temporarily entered into were at a much lower figure than heretofore secured.

NEW LAW NEEDED.

I have thought it proper to go into details to some extent regarding the history and condition of this institution, as it seems necessary that there should be an entire revision of the law respecting its future management. Under the lease now in force, the state has been unable to utilize the labor of the convicts for the purpose of utilizing the labor of the convicts. These industries have been maintained by sub-contractors of the lessee and are yet owned by them. There are now provided a broom factory, a harness factory, a cooper establishment and an iron foundry. The capacity of these several industries is perhaps large enough to utilize all of the labor of the convicts not required in the management of the institution. Arrangements could be made for the continuance of the work performed in these different establishments at a reasonable rate of wages for the labor of the convicts, with suitable restrictions to fully protect the rights of the convicts and the morale and discipline. It becomes a question whether at the present time the state should attempt to employ all convicts on its own account. It would seem advisable to inaugurate some system looking towards the ultimate control on the part of the state of all the labor of the convicts and that the penitentiary should be made self-sustaining, or as nearly so as possible. Prisons in several states are now provided with self-sustaining industries. In adopting a plan of conducting the penitentiary entirely on state account, it would seem the better part of wisdom to begin cautiously and in a moderate way, and by careful experiment determine the best method of utilizing the labor of the convicts without unnecessary expense on the part of the state or loss occasioned by inaugurating an enterprise which cannot successfully be carried out. In this respect the question of bringing into competition convict labor with that of free labor. The penitentiary should be so conducted as to reduce to the lowest degree possible, with due regard to the interests of the state, all competition with free labor. I am not aware of any objection to the inauguration of a system looking to the manufacture and production of numerous articles required in the maintenance of the different state institutions as a means of providing employment for the convicts and making the prison self-sustaining. This plan has many warm advocates among those who have studied the subject of prison labor. This could be introduced in a small way, and gradually developed until, perhaps, the larger portion of the inmates can thus be employed.

This whole question is submitted to you for your consideration with the hope that the law now in force may be amended in a manner which will place the institution on a higher moral plane and provide for the proper utilization of the labor of the convicts while in confinement.

Hospitals for the Insane.

Nebraska has three hospitals for the insane, located at Lincoln, Norfolk and Hastings, respectively. I choose to treat all of them together and in a general way. They have each been managed in a wise, careful and economical manner. The professional treatment has been of a high order and the welfare of the unfortunate wards of the state confined in these institutions has been carefully looked after in all respects. A visit to each of these institutions cannot but impress one with the high professional skill and orderly management which characterizes it. The welfare of the inmates is improved wherever possible and the utmost kindness and gentleness in caring for them prevails.

A considerable saving has been made in the expenditures. Some further can doubtless be made and yet I am inclined to the view that in these institutions the minimum expenditures for maintenance has been very nearly reached. In caring for the unfortunate insane, it is apparent to the ordinary observer that the necessary employes, as well as officers of such an institution, are more numerous than are required in any other institutional work. The proposition of reducing expenditures further by a reduction of salaries has been suggested to me. I submit to you for your careful and intelligent consideration, without recommendation on my part farther than to say that I approve of any effort which may be made to place all salaries and wages of employes of the state upon a basis of equality, as near as may be done, in a recent decision of the supreme court. Under the provisions of the present constitution these institutions could no longer be governed as originally intended, and in the case of the institute for the deaf and dumb the board of public lands and buildings, under the present constitution, is controlled by the board of public lands and buildings, and the attorney-general shall have general supervision and control of all buildings, grounds and lands of the state prison, asylums and all other like institutions, except those for educational purposes. It is intended by the original enactment of the law governing these institutions that the institute for the deaf and dumb should be controlled by a board of directors, as mentioned in the original act of the legislature for the blind should be governed by a board of trustees to be selected by the legislature, as therein provided.

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SCHOOLS, NOT ASYLUMS.

Both of these two institutions are educational in their aims and objects rather than asylums or permanent abiding places for the unfortunate blind and deaf. It seems to me hardly admits of a doubt that the latter decision of the supreme court was in accord with the spirit and intention of the law establishing and providing for the maintenance of these institutions and if either of these two institutions, it must follow as a logical result that the other is likewise of the same character; the one being for the purpose of educating the unfortunate children of the state who have lost the

use of sight and the other for those who have lost the sense of hearing. Viewing the subject in this light, and yet not wishing to exercise any control or approval of my fellow state officers composing the board of public lands and buildings, I requested the attorney-general for an opinion as to whether the institution for the deaf and dumb was of the same character and standing as the institution for the blind; in other words, whether it was an educational institution or an asylum, within the meaning of the constitutional provisions cited above. In my report, the attorney-general passes upon the question adversely to the position taken by myself. With all due deference to the opinion of the attorney-general, I am convinced that the nature of these institutions are educational in their character and should be treated as such. This view is held by their superintendents and the method of the work in operation in each of them clearly demonstrates it to be correct.

State Industrial Schools.

By constitutional enactment the legislature has provided for the establishment of a school, or schools, for the safe keeping, education, employment and reform of all children under the age of sixteen years, who, for want of proper parental care or other cause, are brought into mendicancy or crime. Under the provision the industrial school at Kearney, for both girls and boys, was first established. Afterwards the legislature, in its wisdom, very properly made provision for the institution of a similar school at Geneva for boys, and another established at Geneva for girls. The reports of the superintendents of these two institutions are quite complete and show them to be in a satisfactory condition. While I do not think there has been any extravagance in the management of either of these institutions, I am of the opinion that there is a wide field for improvement. It is hereofore exercised without interfering with the efficiency of the work or reaching the line of demarcation between parsimony and rigid economy. I invite your attention to the improvements suggested by the superintendents of these institutions, as well worthy of your careful consideration. I am prepared to favor appropriations for additional buildings at either of these institutions.

Institution for Feeble-Minded Youth.

The welfare of the institution for feeble-minded youth, located at Beatrice, appears to be in a satisfactory condition, and I know of no suggestions for improvements to make to you, unless perhaps it is along the line of more rigid economy in its management. It is in accordance with the views of the superintendent respecting the advisability of making further provisions for a class of citizens who are past what might be termed the school period in an institution of this kind and are yet not able to be again returned to the county of their residence, there to struggle for a living and be subjected to unfavorable comment, rendering their lives miserable. I am impressed with the view that a large number of afflicted persons of this kind of the state, should be cared for and looked after with the same spirit of humane regard as that given to the insane; and yet I am doubtful of the propriety of this kind of care, making additional appropriations sufficient to accomplish this much desired result.

Institutions for the Deaf and for the Blind.

I desire to call the attention of the legislature to the urgent necessity for suitable legislation, making proper provisions for the control, management and maintenance of the institution for the blind at Nebraska City and the institute for the deaf and dumb at Omaha. These two institutions are so nearly alike in character that I am of the opinion that each can be provided for by the passage of a single act. In the treatment of this subject, in speaking of one, I take it that the same remarks will apply as well to the other. The law now in force governing the institute for the blind, as found in chapter 22 of the compiled statutes of 1888; while the law governing the institution for the blind is found in chapter 43 of the same statutes. The law for the deaf and dumb was passed in 1875, prior to the adoption of our present constitution, and was also the law governing the other institution. The present constitution provides that a board of public lands and buildings, and the attorney-general shall have general supervision and control of all buildings, grounds and lands of the state prison, asylums and all other like institutions, except those for educational purposes. It is intended by the original enactment of the law governing these institutions that the institute for the deaf and dumb should be controlled by a board of directors, as mentioned in the original act of the legislature for the blind should be governed by a board of trustees to be selected by the legislature, as therein provided.

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Control of State Institutions.

The interest of the state in these public institutions amounts to millions of dollars and there are expended annually large sums of money for their maintenance in carrying on the business for which they were constructed. They should each be governed and controlled in such a way as to bring about the greatest harmony between the several institutions, as well as the greatest economy in their management. The control and management of the state, their control and management heretofore by different bodies, and as many different methods, has been productive of much needless expense and has not secured the best results obtainable. This fact, I do not think, has become quite apparent to every executive of the state of Nebraska. Governor Boyd in his closing message to the legislature speaks of this matter as follows: "And in this connection I would rather call your attention to the fact that there are a number of state institutions over which the authority of the executive has been by the statute taken from him. In the case of the industrial school for boys at Kearney, of the industrial school for girls at Geneva, of the institute for feeble-minded at Beatrice and of one or two others, the appointing power is vested in the board of public lands and buildings. This board is also by the constitution given full control of all institutions, and the executive has no check on them whatever. This should not be so. The governor should have the power to appoint the superintendents and managing officials in every one of the state institutions; and I would recommend that this legislature amend this statute, that the appointing power shall be fully restored to him."

My predecessor, Governor Crouse, likewise took occasion to refer to this subject on this same subject in the following language: "In the case of some of the institutions of the state the governor appoints the superintendent and other officers, while in other cases this authority is given to the board of public lands and buildings. This is wrong. The governor should be charged with the appointment in all those cases, and he alone be responsible to the people for his appointments. The responsibility for a bad appointment should not be a divided one, and one not directly traceable or assignable to any one person. Considerations of a political or partisan character may be supposed to be a desirable exception of this recommendation at this time, still sound legislation should not be avoided for fear of the loss of some partisan advantage. It is unfortunate that the heads of some institutions, in cases where fitness for the office has been added, should become the sport of political fortune, and for good reason only should tried and experienced officers be replaced."

ONE RESPONSIBLE HEAD NEEDED. In my opinion, the responsibility for a bad appointment should not be a divided one, and one not directly traceable or assignable to any one person. Considerations of a political or partisan character may be supposed to be a desirable exception of this recommendation at this time, still sound legislation should not be avoided for fear of the loss of some partisan advantage. It is unfortunate that the heads of some institutions, in cases where fitness for the office has been added, should become the sport of political fortune, and for good reason only should tried and experienced officers be replaced."

After the latter opinion of the supreme court respecting the legal status of the institution for the blind, some effort was made by the legislature to enact a law which would have the effect of restoring to the governor the power to appoint the superintendent of the institution for the blind. An effort was then made to fall back on the old law enacted at the time of the creation of these institutions, which provided for the joint selection of the superintendent by the legislature and the board of public lands and buildings. I deemed it my duty to refuse to recognize these so-called trustees or any of their acts, believing the action of the legislature to be in conflict with section 10 of article 5 of the constitutional provision governing the appointment of officers created by the constitution or by law. This resulted in another case in the supreme court, in which it was decided that the position taken by me in this matter was correct and that the action of the legislature was in conflict with the constitution. The institution has since been under the control of a superintendent appointed by the governor and responsible to the chief executive for the proper discharge of his duties.

Nebraska Industrial Home, and Home for the Friendless.

With a view to aid in the suppression of prostitution, the legislature of 1884 made provisions for the establishment of the Nebraska industrial home, to provide shelter, protection, employment and means of self-support for penitent women and girls. The government was placed under the supervision of the "Ladies' Association of Nebraska" and an appropriation of \$15,000 was made to purchase a site and erect buildings. This institution was located at Milford and has since been in operation, doubtless accomplishing a great good in the direction intended by its founders.

In 1887 the legislature saw fit to make an appropriation of \$5,000 to establish and provide for the erection of a home for the friendless at Lincoln. Its management to be under the supervision of the society of the home for the friendless. Hundreds of homeless children and aged women have been cared for at this institution during its existence.

These two institutions are marked. Each originated with an organized society of benevolently disposed, Christian women, who desired to benefit society by rescuing fallen women and providing a comfortable home for those who, through various circumstances had cast helpless upon the world.

At each recurring session of the legislature liberal appropriations have been made for the maintenance of these institutions, and at the present time the state is almost to be regarded as a trustee of the property of the state assuming the financial responsibility for the government and management of them. The institutions are managed and maintained in a wise and economical manner, and a sense of responsibility and primary duty upon the part of the governing officers to the associations referred to, rather than to the state. Heretofore there has been some controversy respecting the authority of the state in the management of them, though I am pleased to say that for the two years past the relations have been of the most pleasant and amicable character. It is a sound and reasonable proposition, however, that the state should have the complete and absolute control and management of all of its institutions and that the officers should be responsible alone to the state for the proper discharge of their duties. The institutions under consideration are of a peculiar character, and as the women seem to be better adapted to know the needs and best methods of conducting them, it might be well for the government to have a board of women, who should be directly responsible to the state for the manner in which they discharge their duties. This plan would serve the purpose and fulfill the intention of the government, by bringing the institutions within the complete control of the state, where, in my judgment, they properly belong. If the state is to be held responsible in any way for their management and government.

Women Helping Teams.

While I am strongly impressed with the necessity of economizing wherever possible in making appropriations for the expenses of state government, I bespeak for this year the general fund of \$4,500, and also \$50,000 for permanent improvements. The report of the regents for the biennial period just closed will be submitted to you and is worthy of your careful consideration. It is an improvement on all past reports in its thoroughness and the attention given to details respecting the past management and the future requirements of our university. (CONTINUED)

Doctors in China.

European doctors in China find the Celestials somewhat trying patients. John Chinaman rarely obeys the instructions how to take his medicine, but consults with his friends on the subject, and follows the advice of the majority. As the native practitioners furnish very large doses, John is apt to think that the foreigner has been mean in giving him a small quantity, and so takes two or three doses at once.

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PORT SCOTT, Kan., Jan. 5.—Olive and Clara Love, two young women who had been employed in Kansas City, left there for Hot Springs, Ark., paying their fares as far as Paola. Then being out of money were put off the train. They boarded the next train and hid until they were found near here and arrested.

My predecessor, Governor Crouse, likewise took occasion to refer to this subject on this same subject in the following language: "In the case of some of the institutions of the state the governor appoints the superintendent and other officers, while in other cases this authority is given to the board of public lands and buildings. This is wrong. The governor should be charged with the appointment in all those cases, and he alone be responsible to the people for his appointments. The responsibility for a bad appointment should not be a divided one, and one not directly traceable or assignable to any one person. Considerations of a political or partisan character may be supposed to be a desirable exception of this recommendation at this time, still sound legislation should not be avoided for fear of the loss of some partisan advantage. It is unfortunate that the heads of some institutions, in cases where fitness for the office has been added, should become the sport of political fortune, and for good reason only should tried and experienced officers be replaced."

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HINDRANCE TO OUR TRADE.

We Need Better Facilities for Carrying Our Goods to Foreign Markets.

We need better facilities for carrying our goods to foreign markets, says the North American Review. The United States is practically of no account in the ocean-carrying trade and in many of the large ports of the world the American flag is almost unseen and unknown as an emblem of commerce. In fifty years our foreign commerce has increased from \$27,439,713 to \$1,662,316,962, but the total tonnage of our merchant marine engaged in foreign trade has decreased from 1,047,454 tons to 822,247 in the same time. With nearly eight times the foreign commerce we had half a century ago, we now have only four-fifths of the ocean-carrying tonnage we then had. More than two-thirds of our imports and exports formerly were carried in American vessels, while now but little more than a tenth of this trade is borne in our ships. Not only do the profits earned in transporting millions of dollars' worth of merchandise to and from our ports pass chiefly into the hands of foreign vessel-owners but the vessels themselves are built in foreign yards, giving employment to thousands of men in an industry which ought to be planted in our country. As in our ocean commerce, so also in our financial relations with other countries we are dependent largely upon the services rendered by foreign interests. Particularly in our dealings with the nations to the south of us we are in urgent need of direct international banking facilities. We do \$150,000,000 worth of business with South America in a year and yet all our balances have to be settled through English or European banking houses. In the great trade centers of South America the English, the Germans, the French and the Italians have their banks, but I think that I am right in saying that there is not an American bank in all South America. Manifestly this is a serious hindrance to our trade.

A Gruesome Bohemian Church.

In the centre of the arched roof of All Saints church, Sedlec, in Bohemia, hangs a chandelier constructed entirely of human bones. The church in which this remarkable object is suspended is decorated from the floor to the ceiling with the bleached bones of human bodies. Garlands of bones stretch across the walls and hang from the ceiling. Pyramids, topped with golden crowns, are artistically reared from the ground with these whited remains of the dead. The altars are literally covered with skulls, among which are hundreds of those which had been pierced by bullets or crushed by murderous blows from swords and other weapons, denoting that these grim relics of humanity have been gathered from adjacent battlefields. Tradition says that these piles of human bones were gathered by a blind friar of the Cistercian Order, who stored them in a corner of the church. As they were fast changing into their original elements, a man named Rint levoted himself to the task of cleaning and arranging them in the church. Prince Carl of Schwarzenberg took a strong personal interest in the restoration and arrangement of the church, and ordered all the repairs to be done at his own expense. A large number of tourists visit this extraordinary church every year.

Restless Elephants.

The elephant is so bulky we can hardly believe that he is really a most restless creature, and the natives have a saying that "an elephant's shoulder is never still." A curious instance of their restless habits is given by a sea-captain in whose steamer forty elephants had been shipped. The vessel was anchored in a perfectly smooth sea off the coast of Zanzibar, but to the great surprise of the passengers, the steamer began to roll. At first they supposed the motion to be caused by the ground-awell, but when the motion kept increasing there was a general alarm, and the captain made an inspection of the ship. Then it was revealed that the elephants had in some way found that by swaying to and fro all together, a rocking motion was produced which seemed to please them immensely. So the great heads and bodies rolled and swung in unison, until the steamer, which had no other cargo, and rolled light, was in imminent danger of rolling clean over. The drivers were hurried down into the hold, and, after a great deal of shouting and thumping, they made the elephants "break step," so to speak, and thus stopped their dangerous amusement.

The White Queen.

Mrs. Emma Forsythe is an American woman who is called the white queen by the natives of the South Sea Islands, where she owns 150,000 acres of land. She will soon have four ships, built for trade. She has made a large fortune by her own business sense and tact, having been left a widow when only 18 years of age, and in almost a penniless condition.—Exchange.

To Train British Soldiers.

Arrangements for the training of British infantry next winter are to be on a more elaborate scale than usual, and especial prominence is to be given to long-distance marching.

First Submarine Wire.

The first submarine telegraph wire in this country was from Governor's Island to the Battery in New York, laid in 1842.

The Inventor of Pins did more for the world than the builder of the pyramids.