GOVERNOR'S MESSAGE

VERY LONG AND ABLE DOCUMENT.

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

SECTION FOUR.

State Normal School.

The state normal school located at Peru, appears to be performing the work for which it was constructed in a very satisfactory manner, and meeting the full expectations of the friends of education all over the state. I am advised that the attendance of those who are preparing themselves to become instructors in the public schools is fully up to if not surpassing its previous history. That the educational work in all of its branches is being successfully prosecuted, is evident.

Your favorable consideration is invited to the requests of the board of trustees for appropriations needful in conducting the affairs of the school for the coming biennial period. Considerable is asked for in the construction of new buildings. In view of the state's finance and the ever increasing burden of taxation, I am not prepared to favor any appropriation for new structures at the different state institutions, except where, after a thorough investigation, they seem to be absolutely required in order that the institution may efficiently carry on the work for which it was intended, and where the withholding of such appropriations would cripple the usefulness of such institutions.

Maximum Freight Law.

It is provided in section 4, of article 11, of the constitution, that "railways heretofore constructed, or that may hereafter be constructed in this state, are hereby declared public highways, and shall be free to all persons for the transportation of their persons and property thereon, under such regulations as may be prescribed by law, and the legislature may, from time to time, pass such laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on the different railroads in this state. The liability of railway corporations as common carriers shall never be limited."

Section 7 provides: "The legislature shall pass laws to correct abuses and prevent unjust discrimination and extortion in all charges of express, telegraph and railroad companies in this state, and enforce such laws by adequate penalties to the extent, if necessary for that purpose, of forfeiture of their property and franchises."

Under the constitutional power thus conferred, efforts have been made from time to time by the different legislatures to enact laws to establish reasonable maximum rates and to prevent discrimination and abuses to the patrons of such roads. The legislature of 1893 enacted a maximum freight rate law which was approved by the governor, and thereby became one of the laws of the state. The enforcement of this law was resisted by different railway companies, and a suit instituted to prevent the board of transportation from enforcing the provisions of the act. A trial in a federal district court resulted adversely to the state, and the last legislature made suitable provisions for the prosecution of a writ of error from the judgment of the district court to the supreme court of the United States. It was presumed at that time that the case could be taken on appeal or error to the supreme court, and there disposed of in a short time and the validity of the act in question be determined. An argument of the case was had in the supreme court in the year 1895. A reargument afterwards was ordered. This has not yet been done. For some reason, to me unknown, a stipulation was entered into between those representing the state and the attorneys for the railroads, postponing a hearing on a motion to advance the case for reargument until some time during the present month, and it seems now hardly reasonable to expect a final decision on this important question until some time during the spring months. I am unable to lead myself to believe that the delays occasioned in the final hearing of this case are at all necessary, but, on the contrary, am strongly impressed with the conviction that the case, being of so much public importance, ought to have been finally disposed of long ere this. It seems to me that the grave questions involved are of sufficient importance to warrant an order of advancement by the tribunal hearing the case, and a decision at the earliest opportunity consistent with its proper consideration by those who have to pass upon the legal questions involved. It is to be hoped that a final and speedy hearing will be obtained at an early date, and thus enable the people of the state to ascertain what, if any, further or different legislation may be required in order to carry out the intention of the provisions of the constitution just quoted. Until the case is finally determined, it would seem that nothing further in the way of enacting a law establishing reasonable maximum freight charges by the legislature can with safety be attempted.

Board of Transportation.

Under the second constitutional provision, the legislature has established a board of transportation, giving to such board power to prevent unjust discrimination, and to fix reasonable rates for the carrying of freights, and in general to carry out the provisions of the act creating such board. A board thus established, properly enforcing the law, can serve a good purpose in preventing unjust discrimination or exorbitant rates for the carrying of freights by the different railroads of the state. Its usefulness depends very much on its ability to enforce the laws. If the board has not sufficient authority, as now constituted, to fulfil the objects of its creation, the law should be amended so as to give it more extended powers. The necessity for the maintenance of an office charged with theduties of enforcing all provisions of the law regulating railroad traffic in the state, is quite obvious to all.

The people of the state, I am satisfied, prefer an elective railroad commission rather than the commission as now created. This they are unable to accomplish until our fundamental law shall be amended providing for these additional executive officers. A constitutional amendment looking to that end was submitted to the electors at the last general election, the adoption of which is quite doubtful. Until such a commission can be provided for by constitutional amendment, whatever relief that may be obtained, must be secured through a board of transportation or railroad commission composed of executive officers already created by the constitution. I am unable to see why, if an elective commission may be empowered to give to the people any relief from unjust discrimination or overcharges, why the same powers may not be given to a commission composed of executive officers, as now existing under the constitution.

Many other states have commissions either created by the constitution or otherwise, whose duty it is to regulate and control railroad, telegraph and express traffic. The work of these commissions in many states seems to be very satisfactory. A study of the reports of these different commissions is quite interesting, and secures to one much valuable information respecting so important a subject.

I am of the opinion that our board of transportation laws may be amended in many respects so as to give greater powers and more latitude in the operation of the board in the enforcement of the law, thereby assuring a better administration of this important feature of state government. It would also seem advisable to give to a board of transportation not only the right to control railroad traffic, but also that of telegraph and express companies doing business between points within the state.

This entire matter is submitted to you with the hope that, if any changes in our present law are found to be advisable, the subject may be legislated upon by you so as to bring about equitable dealings between these several corporations and their patrons. While protecting the rights of the individual, every consideration which wisdom and justice requires should be given to the corporation whose business is thus sought to be regulated.

Nebraska National Guard.

The report of the adjutant-general shows that during the past two years, the national guard in this state has made great improvement in its knowledge of military duty, and that the equipment is sufficient, with the exception of a few articles, to enable it to take the field for active service in or out of the state. There is yet much to be done to bring the guard up to the accepted standard of efficiency, and that can be accomplished only by careful, theoretical instruction of the commissioned officers in military science and practical instruction of the whole guard in annual encampments. The national guardsmen are volunteers ready for duty whenever emergency demands their services. By personal application, and in a great measure by their own expense, they are learning the routine of the drill, the requirements of military discipline and acquiring the minutia of duty.

The proper maintenance of the national guard of the state requires that reasonable appropriations should be made to bring the services to a high state of efficiency. While the law expressly provides for annual encampments for instruction, the appropriations have heretofore been insufficient and only one encampment had been held during each biennial period prior to my administration. After the encampment at Hastings in 1895, it was found that a great saving had been made by economical management, and the officers of the guard in consultation were unanimously of the opinion that the good of the service and requirements of law demanded the annual encampment held at Lincoln in 1896. While the available appropriation was insufficient the guardsmen were willing to accept half pay and look to this session of the legislature for the balance. The two encampments were held at an average cost of $14,219.87, a saving of $4,342.27 on each encampment, as compared with the encampment of 1894.

The indebtedness of the guard as a result of the last encampment is $5,441.94 more than there remains of funds on hand. Several hundred dollars will be required to bear expenses until the end of the biennial period, increasing the deficiency to about $6,000. A slightly increased appropriation over that usually made will enable the guard to comply with the requirements of the law in the matter of holding annual encampments and keep the service in a high state of efficiency. This would seem to me to be advisable. The excellent condition of the state's militia is due in a great measure to the efficient management of the adjutant-general, Brig.-Gen. Patrick H. Barry. The guard is also indebted to Major Edmund G. Fechet, of the Sixth cavalry, U. S. A. for valued service in instruction.

Your attention is invited to the need of a thorough revision of the militia law. It has been found that the present law, in many instances, does not meet the requirements, and also, that several of the sections are exceedingly ambiguous. Your attention is especially invited to section 22, which is clearly in direct violation of the laws of the United tSates.

There are now deposited in office of the adjutant-general the battle flags of First Nebraska infantry, and the flags and guidons of the First Nebraska cavalry, together with other very valuable relics of the late civil war. I would recommend that these flags be placed in hermetically sealed cases to preserve them from atmospheric destruction. As these are symbols of the heroism of Nebraska volunteer soldiers, they should be guarded sacredly by the state.

Labor Bureau.

The bureau of labor and industrial statistics has been greatly handicapped by the meagre appropriations made by the last legislature. This bureau should be maintained and suitable appropriations made in order to carry on the work intended by its creation. The gathering statistics and information of the condition of the varied forms of labor and of the value of its products is an important matter and of great benefit to the people. The extension of the work of this bureau might very properly be made so that it would become a means of communication between employers and those desiring employment, giving it the features of an employment bureau in addition to those it now possesses, with suitable provisions and restrictions for the prevention of unnecessary burdens by those who avail themselves of the opportunities thus afforded.

It is hardly to be expected that the work of the bureau can be brought to a higher state of usefulness unless provisions are made for travelling expenses in visiting many portions of the state for the purpose of securing needful information and data. This phase of the work cannot be carried on satisfactorily by means of communication through the mails.

The time, also, seems to be ripe for the making of some suitable provisions for the gathering and dissemination of information looking to the securing of desirable immigration to assist in further developing the many and varied resources of the state. If it meets the views of the legislature to take action for the encouragement of immigration to the state, I would suggest the advisability of utilizing the labor bureau. An appropriation of a few thousand dollars a year, if wisely and judiciously expended, would probably accomplish much in directing immigration to the state.

A short time ago an organization was perfected by a large number of active and energetic citizens of the state under the name of the Nebraska club, the object of which i sto encourage immigration. In the event an appropriation for immigration purposes is deemed advisable, and you should determine it would better be expended by some other means than that heretofore suggested, I doubt not that this organization could very safely be entrusted with such expenditures, and that the same would be made to the very best advantage, accomplishing as much as could be expected through any other course. The organization is already perfected and in active operation and is composed of men of high character who are devoted to the upbuilding of the state and are well worthy of such encouragement as would be given them by an appropriation of this character.

Department of Banking.

A banking board, composed of the state treasurer, auditor and attorney-general, has been created by law for the purpose of examining into and reporting at frequent intervals upon the financial condition of the several banking institutions of the state, excepting those organized under the national banking law. The wisdom of this law and its usefulness to the people of the state is quite apparent. Under the present law when for any reason a bank suspends and it becomes necessary to appoint a receiver to close up its affairs, the receiver is appointed by the district court, to whom he makes reports from time to time concerning matters in relation to his receivership.

I am of the opinion, and I understand this view is shared in by all members of the banking board, that the law should be amended so that this board should have the control of the suspended institutions until the creditors are fully provided for, and that the appointment of a receiver and the disposition of the assets should be under the control of the board, rather than the courts. As the law now stands the board ceases to have any connection with the bank when its doors are closed and the matter is entirely left with the district court. I can see no reason why the interest of the creditors of a suspended bank may not be better cared for by the banking board, who have more or less knowledge regarding the institution prior to its failure and who will be in a position to close up its affairs more expeditiously and with less expense than the district court. All litigation growing out of such suspended institution should come within the jurisdiction of the district court, where it properly belongs. It also appears that the provisions of the banking law are not broad enough to include loan and trust companies organized within the state, which it seems to me would be proper to have under the control and supervision of this department. The strengthening of the law for the purpose of giving better protection to the depositors of the bank wherever possible should be made.

State Fish Commission.

An honest effort on the part of the fish commission to perform the greatest possible service to the state with a small outlay for expenses has evidently been successful. The various streams of the state and many public and private lakes and ponds have been well stocked with the best varieties of fish. Needed repairs and improvements, involving small expense have been made at the state hatcheries under direction of the superintendent. The report of the superintendent of the state hatcheries at South Bend is replete with interesting facts and valuable information. The state has about $17,000 invested in property at the hatcheries. The plant is well equipped and in readiness to continue the work successfully.

I am of the opinion that the results attained by the commission justify a continuation of legislative support to the extent of a reasonable appropriation for the needful expenditures in carrying on the next biennium.

Live Stock Inspection Law.

The live stock industry of the state of Nebraska is and will be, so long as present conditions exist, one of the principal branches of agricultural industry. Recognizing this fact, the legislature at different times has enacted laws to prevent the spread of contagious or infectious diseases and providing for the appointment of a live stock sanitary commission, including a state veterinary surgeon. This law, it seems, was found to be cumbersome and expensive and for a number of years the legislature has failed to make any appropriation for the purpose of enforcing its provisions, thus rendering it obsolete. During the past two years many communications were received by this department from people all over the state making inquiries respecting the state veterinary surgeon and desiring his services for the purpose of examination into the condition of live stock supposed to have contagious or infectious diseases. To the many requests for the services of a state veterinary surgeon no satisfactory response could be given because of the want of an appropriation to defray the salary and expenses of such officer.

During the month of August last, notwithstanding the annual quarantine proclamtion prohibiting the shipment of cattle from certain territories where the southern or splenic fever exists, shipments of southern cattle affected with this dread disease was unloaded at German town, Seward county, Nebraska, and placed in a pasture in that vicinity. It was soon discovered that the cattle were infected with this disease, but not until a number of native cattle had become infected and died. Considerable loss of native cattle occurred and there was much alarm among the citizens of the vicinity generally who feared a much greater loss to the cattle industry in that portion of the state. I deemed this emergency to be of sufficient importance to avail myself of the provisions of the law to check the threatened spread of this disease. A state veterinarian was appointed, as well as two live stock inspectors, who at once took charge of all cattle within the territory, affected and established quarantine lines, taking prompt measures to stamp out the disease. Their efforts were successful, and, since the approach of winter, the danger is passed. The necessity for this action required the expenditure of a small sum of money and the incurring of some further obligations in order that the work might be made effective. An account of necessary expenses will be presented to your body in a report from the state veterinarian thus appointed and I recommend an appropriation for its payment.

Another shipment of cattle similarly affected was unloaded later in the season in the northwestern part of the state. In order to prevent any spread of the disease, the sheriff of Sioux county, in which the cattle were unloaded, was instructed to keep them confined in one place and prevent them coming in contact with any other stock in that portion of the country until an examination might be made by the state veterinarian and the spread of the disease prevented. Some additional expense was incurred in connection with this matter.

These two instances emphasize the necessity of making provisions for the better protection of the live stock interests of the state. The law, as it stands, may be amended so as to render its enforcement of comparative small expense to the people of the state, and yet be made very effective for the purpose of preventing the spread of contagious or infectious diseases and the consequent loss of valuable live stock. If the law could be so amended as to empower a state veterinarian to establish and enforce rigid quarantine regulations wherever required without the necessity of the interposition of live stock inspectors, I believe much good could be accomplished with but little expense.

A bill amending the present law has been prepared by those interested in veterinary surgery in the state, the provisions of which largely overcome the objections existing in the present law and at the same time make ample provision for the protection of this important interest. I trust that you will be able to reach a satisfactory conclusion that will make it possible for the proper authorities upon all necessary occasions to promptly prevent the spread and, as far as possible, eradicate these evils affecting the live stock interests of the state.

Fire and Police Board.

Experience and thoughtful consideration on the part of law-making bodies seem to have demonstrated the wisdom of removing as far as possible from political influences matters pertaining to the police and fire departments and the regulation and sale of intoxicating liquors in the larger cities of the union. This can best be done by placing in the hands of the chief executive or other state officers the appointment of the members who shall constitute such boards. This policy has been adopted in our own state, and, prior to the last session of the legislature, the law in this respect provided that the members of the board of fire and police commissioners should be appointed by the governor, restricting the appointment of not exceeding two to any one political party, providing for a membership of four to be thus appointed with the mayor of the city a member ex-officio of such commission. The last legislature, under the pretense of correcting abuses alleged to have existed under the management of the fire and police board of the city of Omaha, changed the law then in existence by reducing the membership of such commission to three, not including the mayor, and providing for the appointment of such commission by the governor, the attorney-general and commissioner of public lands and buildings. I regarded this measure as purely partisan, enacted for the purpose of taking the appointing power from the hands of the governor and giving the controlling vote to two members belonging to the party which dominated in the legislature. It also appeared to me that it was unwise to exclude from the fire and police board the chief executive officer of the city, and for these and other considerations, I withheld executive approval from the bill thus enacted.

The administration of the affairs under the provisions of the present law, and knowledge gained since that time respecting the operations of such a board, have confirmed me in the views I then held. I am firmly of the opinion that the law in existence at the time of the change was far preferable to the present one, and that this legislature would improve the fire and police administration of Omaha, by a re-enactment of the law existing prior to the last session of the legislature.

Beet Sugar Bounty.

Nebraska is essentially an agricultural state. Her growth, prosperity and the increase of wealth of her citizens depend very largely on the success which we may be able to achieve in the many different branches of agricultural enterprise.

For a number of years our people have given much consideration to the growing of beets from which to manufacture sugar. Two great factories have been established within her borders for the manufacture of sugar from the sugar beet. At no time since the establishment of either of these factories, unless perhaps in 1894, on account of the drouth that season, has there been any dearth in the production of sugar beets ample to test the full capacity of each of these factories during the season of operation. In fact, those operating these factories have been compelled each season to refuse to contract for a large acreage of sugar beets which the farmers desired to produce, because of lack of capacity for caring for them.

Experience thus far has demonstrated that we possess in this state the soil, climate and all things else required to grow this very useful plant as advantageously as in any other portion of the country. That we should make the most profitable use of these favorable conditions, I think we are all in entire accord. The experimental work engaged in by a department in the state university in determining the most approved method of sugar beet culture, and in the dissemination of the knowledge thus obtained, as well as the analysis of sample beets sent to the university for that purpose, have greatly assisted the practical sugar beet grower. The helpful interest manifested by the university authorities in this subject is greatly appreciated by all friends of sugar beet culture. The growing of sugar beets and the manufacture of sugar therefrom in the state may be said to have fairly passed the stage of experiment and is established on firm footing. The acreage which could profitably be cultivated in this one crop alone is almost unlimited in extent. The establishment of manufactories, thereby permitting the cultivation of much larger acreage, is greatly desired, and any encouragement which could properly be given would meet with general approval.

The preceding session of the legislature passed an act for the avowed purpose of encouraging the growth of sugar beets and the manufacture of sugar therefrom, by giving a bounty of five-eighths of 1 cent for each pound of sugar manufactured within the state by factories already established, and 1 cent for each pound of sugar manufactured by factories to be established, providing in each instance that $5 per ton should be paid for the beets purchased by such factories. The same act also provided for a bounty for the manufacture of chicory from chicory beets.

Under a conviction of official duty, believing an act of this character unsound in public policy and a wrongful use of the power of taxation, I withheld executive approval from the act referred to, but it was passed and became a law notwithstanding. Under the provisions of this act, claims were presented against the state, properly certified by the secretary of state, for sugar and chicory manufactured during the season of 1895, amounting to the sum of $47,690.31, and warrants upon the state treasury were drawn therefor, notwithstanding no appropriation was made by the legislature for the payment of such claims. For the season of 1896 it is estimated in the report of the secretary of state that 10,861,700 pounds of sugar will be manufactured, which would make claims for sugar bounty amounting to $67,885.62. Upon the declination of the state auditor to issue further warrants, suit was instituted, which resulted in an opinion from the supreme court adverse to the position taken by the bounty claimants.

The result of the operation of this bounty act has only served to confirm me in the views which I then entertained. A claim against the state aggregating more than $115,000 has thus been permitted. Its liquidation seems a very heavy burden on the already overtaxed citizens of the state. There has not as yet been an additional acre cultivated in beets or a new manufactory, with their corresponding benefits, secured to the state. To the claim of some that such a bounty is for the benefit of the sugar beet grower rather than the manufacturer, it is proper to remark that justice to all interests of the state would hardly require that an industry, which is admittedly remunerative, and which thousands are anxious to engage in as soon as factories are established to consume what they may produce, shall be made more remunerative at the expense of the vast majority of those engaged in other branches of agriculture who receive too meagre remuneration as a reward for their toil. What is more to be desired than a bounty, which its warmest advocates admit is only a temporary expedient, is a fixed and well defined policy of encouragement by natural means and mutual co-operation between grower and manufacturer, relying upon the paramount conditions which surround us for the full development of this industry.

That part of the bounty act holding out inducements for the establishment of new factories, which seems to have been unavailing, is more equitable and has more foundation in justice and reason than that which helps support an industry already established at the expense of others less favored.

Boundary Commission.

By joint resolution of the legislature of the state of South Dakota and the legislature of this state, the governor of each state was empowered to appoint three commissioners who, acting together, were to ascertain and report to the governor of each of said states prior to the next session of the legislature a true and correct boundary line between the states of Nebraska and South Dakota, together with a draft of a compact or agreement to be entered into between the states in settlement of the boundary line. It appears that for a long time, because of the changing of the channel of the Missouri river forming the boundary line, there has been much doubt and uncertainty respecting the dividing line between the two states. It has led to much confusion and difficulty among those residing in the vicinity of the disputed territory, and rendered uncertain the jurisdiction of the courts of the respective states, resulting in the escape from punishment of many violators of the law.

In accordance with the authority thus given the governor of South Dakota commissioned Messrs. Andrew E. Lee, E. C. Ericson and E. H. Van Antwerp to act on the part of South Dakota, and for this state I appointed Messrs. C. J. Smyth, Eli A. Fry and J. W. Edgerton. The commissioners thus appointed met, organized and discharged the duty imposed upon them by such appointment. Their report is submitted herewith. This report is accompanied by a draft of a compact to be entered into by the two executives of the states interested when authority has been given for that purpose by the respective legislatures, all subject to the approval or ratification of the United States congress.

The line intended to mark the boundary between the two states was unanimously agreed upon. It would appear that the permanent establishment of the line so agreed upon cannot be fully accomplished without congressional action. If the report of the joint commission meets your approval and you ratify it by proper legislation, it would seem that a memorial to congress praying for its ratification would be proper.

Fees of Court Clerks.

The clerks of the supreme and district court are under the present law paid for their services by the fees of their offices for services performed irrespective of the amount of such fees. This seems to be an unsatisfactory provision of law, and has caused more or less complaint from those having work to be performed in such offices, as well as creating a sense of injustice in making no provisions respecting the limit or amount of salary which may be received by such officers. Almost every other office known to law has fixed and certain limits as to the salaries allowed and it would seem that these same general provisions should extend to the offices named. All fees received ought to be accounted for and after the retention by the officer of a certain sum which shall be determined as a reasonable compensation and fair salary for the duties performed all over and above such amount should be turned into the state treasury.

Constitutional Amendments.

The last session of the legislature, by joint resolution, submitted twelve constitutional amendments to the voters of the state for their ratification. One of the amendments so submitted provided for an increase in the number of the supreme court judges from three to five. The legislature provided for the election of two additional judges contingent on the adoption of this constitutional amendment. Candidates were nominated by the different parties and William Neville and John S. Kirkpatrick were elected, contingent on the adoption of this amendment. The section of the constitution in relation to amendments provides that they shall be submitted at a general election at which senators and representatives are elected and if a majority of the electors voting at such election adopt such amendments the same shall become a part of the constitution. The legislature also provided that the vote on the constitutional amendments so proposed should be canvassed by the state canvassing board, but gave to such board no direct authority to declare the result of such election or to determine whether such amendments were adopted.

The canvassing board canvassed the vote and found the number of votes cast for and against each of the proposed constitutional amendments and also the total number of electors voting at said election upon all propositions and made the qualified finding that if it took a majority of all the voters voting at such election for any purpose that said amendments were lost, a majority of the canvassing board being of the opinion that this was the proper basis upon which to determine the adoption of such amendments.

This doctrine does not appear to be supported by the better weight of authorities in well considered cases, and has been distinctly repudiated by our own supreme court, which, in a case reported in the 17th Nebraska, construing this section of the constitution held that the "votes necessary to adopt an amendment must be a majority of all those cast in the state at that election for senators and representatives." This opinion was expressed by two of the judges, only one dissenting, holding that the section of the constitution under consideration should be construed to require only a majority of the votes at such election cast upon the proposition for the adoption or rejection of the amendments submitted for that purpose. In a more recent case, reported in the 47th Nebraska, page 417, in considering a similar question the court again repudiated the doctrine that the total number of electors voting at the election was the proper basis upon which to determine the result on any particular proposition and quotes approvingly the language of another court in defining the word "vote" to mean an expression of the choice of the voter for or against any measure, any law or the election of any person to office.

The canvassing board was unable to ascertain the number of votes cast for the election of senators and representatives and the result of the election as to the adoption of these constitutional amendments, it would seem, cannot be correctly determined without a recanvass of the votes cast upon this proposition and an ascertainment of the total votes cast for senators and representatives to comply with the construction given to this section of the constitution by the supreme court.

Attorney General's Report.

I request your attention to the report of the attorney-general wherein he suggests the advisability of amending some of the laws of the state which have come under his personal observation in the conduct of his office. An act was passed in 1893 providing that all railroads touching the same point in this state should build and maintain transfer switches for common use in transferring freight in carload lots from one such railroad to another. The attorney-general reports that at the time of entering upon the duties of his office two cases were pending in the district courts for the purpose of compelling the railroads to put in transfer switches as contemplated by this action of the statutes, upon the trial of these cases the law was held to be unconstitutional and in each case upon different grounds; that upon appeal to the supreme court, the law was held void, but upon still different grounds.

"This matter," says the attorney-general, "ought to be a subject of legislative enactment, but great care should be observed in the preparation of such a measure so that there could exist no constitutional objections to the same."

In this report, the attorney-general recommends an amendment to cover imperfections pointed out in section 12, of chapter IV., of the criminal code, entitled "Violence to person not resulting in death." He suggests amendments to section 93 in relation to injuries to railroad and telegraph property, and also to section 244 of the criminal code making the robbing of a grave of a dead body a felony instead of a misdemeanor, as at present.

It occurs to me that these recommendations are worthy of your consideration, and that the statutory provisions referred to would be improved by the amendments suggested.

Tennessee Centennial Exposition.

The centennial anniversary of the admission of the state of Tennessee into the union will be celebrated by an international exposition at Nashville from May to November, 1897. Realizing the importance of having Nebraska and Nebraska products represented at this exposition, at the request of the management, I appointed the following commission to care for the interests of our state: Messrs. J. J. Butler, Lincoln; Joseph Oberfelder, Sidney; H. D. Crawford, York; Ernst Benninghoven, Omaha; and Nick Fritz, Pender. This commission has taken the necessary preliminary steps for the representation of Nebraska and an exhibit of her products. This cannot be successfully accomplished without assistance from you by a reasonable appropriation with which to defray the necessary expenses.

Trans-Mississippi Exposition.

During the summer and autumn of 1898 Nebraska will be visited by thousands and hundreds of thousands of citizens of other states. The trans-Mississippi exposition will be held from June until November at Omaha and will undoubtedly attract people in great numbers from every section of the country. Various national organizations are arranging to hold their annual sessions at the Nebraska metropolis in 1898 so as to avail themselves of an opportunity of visiting the exposition while attending their meetings. I feel safe predicting that the trans-Mississippi exposition at Omaha will be the greatest exposition of the products of the great west ever held.

This project had is origin more than a year ago at the Omaha session of the trans-Mississippi congress. Prominent men of that city promptly formed an association with a capital stock of $1,000,000, of which more than $400,000 has been subscribed. The first assessment upon this stock has been paid and the affairs af the association are in good financial condition. The organizers and promoters are men of business ability, integrity and good financial standing; the organization is strong and the capital adequate. Congress recognized the importance of the exposition by an appropriation of $200,000, which it is expected will be increased to half a million. The legislature of our sister state of Iowa has made a preliminary appropriation of $10,000, and the Iowa friends of the enterprise predict an additional appropriation of $75,000 at the next session. The legislature of Utah and Louisiana have passed resolutions pledging the support of their states to the exposition and liberal appropriations are expected from all the states and territories in the trans-Mississippi country.

This exposition will unquestionably accomplish great good in bringing together the varied interests of the west and serve to cement the already friendly relations existing between the western people. It will do for the west what the Atlanta exposition has done for the south, but in a larger degree. Naturally Nebraska will profit largely by having this great exposition held on her soil. Interested visitors will learn of the great opportunities our state offers for investment and immigration.

You will be called upon by the management of the trans-Mississippi association to make an appropriation to aid the enterprise, and I trust that the financial assistance given by you will be liberal and sufficient, so that our sister states and territories west of the Mississippi may be thereby encouraged to lend their substantial aid.

Conclusion.

I extend to you in conclusion my hearty co-operation and best support in every effort you may make to advance the interests of Nebraska and the welfare of our fellow citizens. I hope your stay in the capital city may be pleasant and that, having diligently attended to the affairs which call you here, you may return to your homes with the satisfaction of having faithfully performed your duty as representatives of a free people.

(Signed) SILAS A. HOLCOMB.

Executive Chamber, Lincoln, Neb., Jan. 7, 1897.

"PAPA FLEUTELOT," MISER.

A French Millionaire Who Begged in the Street and Died in Filth.

A miser of the story-book type died a few weeks ago in Auxerre, France. Although he never had wife or children he was known to all persons in the city as "Papa Fleutelot." He had been a public figure for a generation and could be seen daily, in storm or sunshine, tottering in his rags through the streets to gather odd bits of coal and wood and cigar stumps. When he began his work in the city there were the usual rumors that he was rich and miserly, but they were soon dispelled by the abject filth and want in which he lived and by his importunity in begging.

Papa Fleutelot died in his eighty-fifth year, and was buried in the potter's field. The French police, who suspect everything, still suspected the old man's pretenses of poverty, despite the recent shifting of public opinion, and they searched the hut in which he had lived and died. Filth was ankle deep upstairs and knee deep in the cellar. The first search was rewarded only with the discovery of 400 bottles of Bordeaux vintage of 1790. The second search, however, revealed a hole in the cellar wall behind a pile of indescribable dirt. From this hole the police dragged a chest, and in the chest they found the treasure. From top to bottom it was stuffed full of mortgages, government bonds, shares in stock companies, and title deeds. All showed the keenness of Papa Fleutelot in investing his savings, for without exception the securities were of the highest class. Their face value was 1,000,000 francs, but as many of the bonds and stocks are above par they can be sold for a much larger sum.

For more than eleven years the old man had neglected to clip his coupons. He had let them accumulate until they represented a market value of 140,000 francs.

Among the many pieces of real estate whose ownership was revealed by the contents of the chest is a large tract of land near Villeneuve-sur-Yonne. On this land there are 400 acres of fine forest and several buildings of ancient indestructible make. It had been more than forty years since anybody at Villeneuve knew who owned the estate. When Papa Fleutelot died in his hovel, but twenty centimes, or less than five cents, was his total cash capital. As was expected, the usual number of heirs have appeared since the old man's body was buried in the potter's field. They affect to believe that still more treasure is concealed in the hut, and they are taking it down piece by piece in the hope of enriching themselves.

Oklahoma "Sooners" Being Ejected.

PERRY, Ok., Jan. 8.—Officers are ejecting today "sooners" holding claims on the lines of the Ponca, Otoe and Missouri and Osage Indian reservations in accordance with a decision of Secretary D. R. Francis in which he reversed ex-Secretary Smith. It is feared much trouble will result.