

The
Women's Republican State Committee

PRESENTS

A Study Program

DEALING WITH THE

Resources

Industries

Institutions

and

Legislation

of

Minnesota

SILK'S ENTERPRISE PRINTERY
HOPKINS, MINN.

FOREWORD

The State Committee, in presenting this Study Program, concerns itself with the administrative departments of our state. Such departments always present bills for their maintenance and future program at each session of the legislature.

It is the aim of our Committee to support and aid with suggestions such bills as are presented for the benefit of our state.

We suggest that your club study local administration and such legislation as is necessary for future development locally and state-wide, and as the need appears for concerted support and action, we will give it as a State Committee.

Each township, county and city may suggest or propose any legislation that it chooses. We aim, as a State Committee, to legislate not for any certain class or group—men, women and children alike will receive our consideration and any project for the conservation of our resources and the development of our industries and institutions will be given support.

We want to thoroughly educate our women to know that all of the industries, institutions and resources of our state belong to us, and that we must properly administer, knowing that taxes must and do fall upon the people for the support of all of our institutions.

With the knowledge of our own local and state institutions and legislation, we ought to become a force for service and value in our own district, state and Nation.

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PREFACE

The following outline of the government of Minnesota was prepared to serve as the basis of study for civic organizations during the winter of 1920-21, and for that reason problems of present importance are given considerable stress. Primary emphasis is put upon the organization, administration, and problems of the departments which deal with the education, health, and social and economic welfare of the people, in other words upon those functions of the government which most intimately affect the home and family life. No apology is given, therefore, for the neglecting of certain other departments.

The following officers of the state government were especially helpful in supplying written statements and published material concerning the work of their respective departments:

Chas. J. Andre, Executive Officer, State Securities Commission.

Carlos Avery, Game and Fish Commissioner.

C. M. Babcock, Commissioner of Highways.

Solon J. Buck, Superintendent, Minnesota Historical Society.

William T. Cox, State Forester.

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Louise E. Schutz, Superintendent, Bureau of Women and Children, Department of Labor and Industries.

R. W. Wheelock, Member, State Board of Control.

E. V. Willard, Commissioner of Drainage and Waters.

The officers of other departments also willingly supplied information and materials on request. The work of putting together the information contained in this pamphlet was done by the undersigned, Director of the Bureau for Research in Government of the University of Minnesota.

William Anderson.

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SECTION 1

OUR STATE

Territory of the state. Minnesota is eleventh in size of the forty-eight states. It contains 84,682 square miles of land and water, and has an extreme length of 400 miles and an extreme width east and west of 350 miles. It lies almost at the center of North America. Waters contributed by Minnesota flow north into and through the Red River of the North to Hudson Bay, east through the Great Lakes and the St. Lawrence River to the Atlantic, and south through the Mississippi to the Gulf of Mexico. Part of the territory of the state became American territory by the treaty of peace with Great Britain in 1783, another part west of the Mississippi was added by the Louisiana Purchase in 1803, and another part in the Red River valley was definitely assured to the United States by the treaty with Great Britain in 1818 which fixed 49° north latitude as the northern boundary of the Louisiana Purchase.

Natural resources. The physical resources of Minnesota constitute one of the most splendid gifts that nature has ever bestowed upon any state. There are millions of acres of agricultural lands, some not yet touched by the plow and some, in the Red River valley, reputed to be the finest wheat lands in the world. At one time there were pine forests coming almost down to the Twin Cities and stretching thence north to the boundary line, and there is still much of this resource left in the far north. The iron mines in the Mesaba, Vermilion, and Cuyuna ranges are probably unexcelled in either North or South America. There is much undeveloped water power in our rivers—but the catalog cannot be continued any further. If Minnesota conserves well what she still has the state cannot help but be prosperous for uncounted generations.

Population. To claim and to develop these rich resources, men and women have come hither from all parts of the world. The first immigration was from the older states and territories immediately to the east. Fur traders and trappers came first and later lumbermen. Many of these were from Wisconsin, Iowa and Illinois, but with the opening of the agricultural lands west of the Mississippi in the early fifties there began a tremendous rush of people from as far east as Maine, Massachusetts, and New York. This older American stock is still the predominant element in the population. But even before the Civil War the first Scandinavians and Germans had come to mix their labor with the soil of Minnesota and as the years passed their numbers increased rapidly. Throughout the state's history there has been, also, a steady stream of immigration from Canada and the British Isles. In recent years with the rise of manufacturing in the large cities and the growth

of mining in the iron range country there have come somewhat smaller streams of immigrants from Russia, Poland, Bohemia, Italy, Greece, and some of the Balkan states. Minnesota has become one of the melting pots of America. The need for Americanization work is brought closely home to us.

The total population has shown the following increases:

Federal Census	Population	Increase
1850	6,077	
1860	172,023	165,946
1870	439,706	267,683
1880	780,773	341,067
1890	1,301,826	521,053
1900	1,751,394	449,568
1910	2,075,708	324,314
1920	2,387,125	311,417

Minnesota is to-day the seventeenth state in population.

City and country. There has been one development in the steady increase of the state's population which is of great importance for the future of Minnesota, and that is the rapid growth of the urban population. In almost all of the older counties of the state the strictly rural population has been declining in recent years; the agricultural population is on the increase only in the newer counties in the northern part of the state. But the cities, and particularly the larger cities, have in almost all cases continued to grow apace. Minneapolis and St. Paul have together over 600,000 people; Duluth has approximately 100,000; and the other cities of the state probably have among them over 300,000 people. In short, 1,051,593 people, or nearly half of the population of Minnesota today, are to be found in the cities. This does not mean a decline in agriculture; on the contrary the farmer is more prosperous where he has large city markets close at hand. It does, however, change and increase the problems of the legislator. Another population tendency which is worthy of being marked is growth of the northern part of the state, while the agricultural counties of southern Minnesota are practically standing still.

Industries. It follows from what has been said that, while agriculture is still the greatest industry in the state, other industries have been coming rapidly to the fore. Lumbering is actually on the decline, and will continue to decline until a more comprehensive policy of reforestation has been put into effect. Iron mining is a very large and growing industry. But Minnesota does not merely produce raw materials. The iron smelting business, already well established near Duluth, will become even greater. There are many factories turning the iron into farm machinery and implements. A milling industry has been founded which is the greatest in the world. Light manufacturing of many kinds is already being carried on. The meat packing business, great banking and insurance companies, numerous great wholesale houses, and extensive transportation system, and many other lines of busi-

ness only contribute to laying broad and deep the foundations of the prosperity of the state.

Sound traditions. We have now briefly recounted the resources of the state in land, natural wealth, industries, and people. But these alone do not make a great state; sound traditions count for very much. In this respect Minnesota need not hang her head among her sister states. Mistakes have been made here as everywhere, yet Minnesota has a record for efficient and progressive government not surpassed by many commonwealths. Minnesota has shown efficiency and integrity in caring for her school and university funds, in building the capitol, penitentiary, and other important public buildings without corruption, in the administration of the public institutions, and in many other ways. She has evinced a progressive spirit in grappling with problems of taxation, in the stimulation of agricultural co-operation, in supporting the entire school system, in establishing home rule for cities, and in voting for a statewide system of trunk highways. Every generation should make it an object to improve upon the record of the past. In Minnesota this will be hard to do.

References: Legislative Manual (Blue Book), 1919, pp. 369-388. Publications of the State Bureau of Immigration, St. Paul.

SECTION 2

THE IMPORTANCE OF THE STATE GOVERNMENT

"What about my state?" is a question which every citizen should ask himself. "Do I know what it is doing? Am I giving it my best thought and aid?" It is not at all unusual to find a citizen who knows much about the national government and its problems, who can name the presidents from Washington down to the present, and relate many incidents in the nation's history, yet who scarcely knows the names of the leading state officers today. There are others who know about their county and township, village, or city officers, their duties and their problems, yet are little aware of the state from which the local units draw the breath of their existence.

The national government. It is well, therefore, to point out that the national government has only the powers and duties which are named in the federal constitution. These powers are limited to a few but very important branches of the work of government: the making of war and peace, the conduct of foreign affairs, the regulation of interstate and foreign commerce, the control of immigration and naturalization, the management of the postal department, the regulation of weights and measures, the enactment of laws governing bankruptcy, the support of a system of federal courts, and in general the raising and spending of money for the national welfare. It is true that in the recent war we were much impressed by the sweep and the majesty of the federal powers. It is also true that each of the powers enumerated is capable of great

expansion in case of need. Yet the fact remains that the greater number of powers belong to the state governments.

The local units of government. On the other hand, the local governments in the county, the township, the village, and the city, and the school district, are mere agents of the state. They have no powers not given to them by the state. In providing us with police protection, education, highways, and many other services, they are merely performing duties or carrying out powers conferred upon them by the state. Their very existence depends upon the state, and they exist only because the state finds it convenient to perform many of its duties through locally elected officers instead of through appointed officials sent out from the state capital. The supreme power of the state over them is evidenced in Minnesota by the power of the governor to remove county and municipal officers who are guilty of misconduct in office.

Powers of the state government. Let us look then at the state government. The federal constitution provides that "The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively or to the people." What are these unnamed powers reserved to the states and to the people? They may be stated as follows: 1. The power to protect the people against criminals, fires, disease, and immorality. 2. To provide for the progressive improvement of the status of agriculturists, laborers, women, children, and citizens generally. 3. To regulate business in almost all of its phases: banking, insurance, transportation, manufacturing, mining, wholesaling and retailing, building, agriculture, and so on. 4. To establish laws for the ownership and transfer of property, both real and personal, and for the making of contracts, sales, leases, etc. 5. To provide a criminal code. 6. To regulate marriage, divorce, the legitimation of children, and the laws of inheritance. 7. To promote public education. 8. To provide a system of highways. 9. To establish and control a system of local government. 10. To conserve the resources of the state so as to benefit future generations. 11. To do all those things which become necessary from time to time as standards of living, social conditions and industry undergo changes. In fact, the state and federal constitutions set almost no limits of importance to what the states may do. To be sure, private property may not be taken for a specific public purpose without just compensation, taxes may be levied only for public purposes, all persons must receive the equal protection of the laws, and the sanctity of private contracts may not be impaired, but it is easy for the state, without overstepping these general limits, to do almost anything that is really required to correct evils and to improve social conditions.

State activities today. When the federal government was founded, the people believed, as Thomas Paine put it, that "Government even in its best state is but a necessary evil," and therefore, they said, the less of it the better. Consequently a hundred and

more years ago the state and national governments did very little. "In 1796," one writer says, "the average expenditures of the fifteen states were less than \$70,000 apiece, and the total about \$1,000,000 for all fifteen." At that time the United States had a population of over 4,000,000. Today, Minnesota alone, with about half as many people as the United States had in 1796, is expending over \$15,000,000 per year, and the federal, county, and local expenditures are also very high. The great reason for this increased expenditure is that our ideas as to what the government should do for us have greatly changed. Not only do we insist upon better courts and schools and highways than ever before, but we expect the government to protect us against impure foods, the sellers of fraudulent securities, monopolies, and what not, which our forefathers either did not know or else expected to protect themselves against. Modern conditions make such functions of government absolutely necessary, since the average citizen is not in a position to protect himself as formerly. As society becomes more advanced and complex, and the population becomes more dense, we are compelled to rely more and more on the government for our welfare. The state, in other words, constantly draws closer to us and impresses itself more distinctly upon our lives. It appears in the course of time not as something remote and apart from us but as merely an extension of the individual and the family life.

References: The United States Constitution, Art. 1, secs. 8 and 9, and a few scattered passages tell what the federal congress may and may not do. Art. 1, sec. 10, and amendment 10 tell what the states may and may not do.

SECTION 3

THE ORGANIZATION OF THE STATE OF MINNESOTA

Early history of Minnesota. Before the Territory of Minnesota was formed, the region which later became the state was generally divided. That part which lies east of the Mississippi was successively a part of the Northwest Territory, the Territory of Indiana, the Territory of Illinois, Michigan Territory, and the Territory of Wisconsin. That portion which lies west of the river was originally a part of the Louisiana Purchase, and passed successively under the government of the District of Louisiana, the Territory of Indiana, the Territory of Louisiana, the Territory of Missouri, the Territory of Michigan, the Territory of Wisconsin, and the Territory of Iowa. The state of Iowa was admitted to the Union in 1846, and the state of Wisconsin in 1848, both with their present boundaries. This left the region we call Minnesota without a government. The people at Stillwater, St. Paul, and other small towns immediately organized, sent Mr. H. H. Sibley to Washington as their delegate, and through him petitioned for a territorial government. They were not disappointed. On March 3, 1849, the President signed the act which made all the region from Wisconsin west to the Missouri and White Earth rivers, and from Iowa north

to the Canadian boundary, an organized territory under the name of Minnesota. The territory included, therefore, much of the present area of North and South Dakota.

The movement for statehood. Minnesota continued under a territorial government from 1849 to 1858. The population increased slowly at first, but with the opening of the first railroad from Chicago to the Mississippi river in 1854, progress was much more rapid. People came to the territory by tens of thousands each summer from 1855 to 1857. As their numbers grew, the people began to demand the formation of a state government, that they might be able to administer their own affairs. The territory was too large to be admitted as a single state, and there was a bitter dispute as to whether the division of the territory should be by a straight line running east and west at about 46° north latitude, or whether it should be by a line running north and south along the Red River and south of the Iowa boundary. The dominant faction in the politics of the territory favored the north and south division. In December, 1856, Delegate Henry M. Rice of St. Paul, who then represented Minnesota in Congress and who was later the first man to be chosen senator from this state, introduced a bill into Congress which divided the territory by a north and south line and authorized the people in the eastern portion (i. e., in the present Minnesota) to draw up a state constitution preparatory to the admission of the state to the union. This bill passed Congress with very little change on February 26, 1857.

Statehood accomplished. The people of Minnesota immediately proceeded to elect a constitutional convention. The Democratic party was strong in the territory and had control of the territorial administration, but the Republicans who had first organized in 1855 were also numerous and active. The election was so close that there was grave doubt as to which party would control the convention, and so bitter were the feelings on both sides, so fearful was each party of the doctrines of the other, that they were entirely unable to agree upon a common organization. Two constitutional conventions were formed, one Republican and one Democratic. Both went forward with the work of drafting a constitution and for the entire period of their sessions, from July 13 to August 29, they maintained their separate organizations in opposite wings of the little territorial capitol. Before the end they appointed a conference committee of ten members, five from each convention, who were authorized to bring about a compromise between the two upon a single constitution. In this work they succeeded. It would take too long to point out in detail what compromises were made, but in the main the constitution adopted was made up of the provisions drafted by the Democratic wing of the convention. Two original copies of the constitution were made, the members of each convention signing a separate copy. Both are still preserved. The constitution so drafted was adopted by the people on October 13, 1857, and on May 11, 1858, the state of Minnesota was admitted

to the Union with this constitution. A full complement of state officers, already elected, assumed office as soon as word was received of the admission of the state. The first governor was Henry H. Sibley; the first lieutenant governor was William Holcombe.

The Constitution of Minnesota. The government of Minnesota has continued to operate from 1858 to the present under the original constitution. It has been necessary to amend it from time to time, however. In all the legislature has submitted one hundred and fourteen amendments, though this includes some duplications due to the fact that the same amendment has been submitted several times in some cases, and the people have ratified sixty amendments all told. The constitution is a public document of which every citizen should have a copy and whose contents he should know. At the present time the constitution consists of sixteen articles and a schedule. It contains a bill of rights, provisions for the name and boundaries of the state, an article on the legislative department, another on the executive, one on the judiciary, provisions with regard to the suffrage and elections, education, finances, corporations, counties and townships, the militia, impeachment and removal of officers, amendments to the constitution, a trunk highway system, and miscellaneous subjects.

The three great departments.....The constitution of the state makes the usual provisions with reference to the general organization of the government. In the first place, there is what we call the separation of powers, provided for in article 3. "The powers of the government shall be divided into three distinct departments, the legislative, executive and judicial; and no person or persons belonging to or constituting one of these departments, shall exercise any of the powers properly belonging to or constituting either of the others, except in the instances expressly provided in this constitution." Then there follow the more detailed provisions with reference to each of the three departments. Each of these departments will be considered in its order, but most attention will be given to the executive branch since it is this department which has grown most in recent years and which most effectively grips our attention. There is really a fourth department of the government, also, and it is greater than any or all of the others. This department is the great body of the people organized as an electorate. It must first receive our attention.

References: The Legislative Manual, 1919, and for earlier years, contains the Organic Act of the Territory of Minnesota, the Enabling Act which authorized the people of Minnesota to draw up a state constitution, the present state constitution, and the act admitting Minnesota to the Union. Copies of the state constitution may be had from the Secretary of State on application.

SECTION 4

THE PEOPLE AND THEIR GOVERNMENT

A government of the people. The preamble of the constitution provides as follows: "We the people of the state of Minnesota grateful to God for our civil and religious liberty and desiring to perpetuate its blessings and secure the same to ourselves and our posterity, do ordain and establish this constitution." The next section (Article 1, sec. 1) reads: "Government is instituted for the security, benefit and protection of the people, in whom all political power is inherent, together with the right to alter, modify, or reform such government whenever the public good may require it." Language could hardly be more explicit in asserting that the government of Minnesota is, in the words of Lincoln, a "government of the people, by the people, for the people." It is theirs. It depends upon them and it exists for them. This fact puts a heavy responsibility upon the citizen. It obligates him to be alert, intelligent, and conscientious. When the citizens confer powers upon their officers, they do not absolve themselves from all duty and responsibilities. It continues to be their duty to aid and support the officers whom they employ, to study and to understand their problems, to reward those who serve the public well, and to remove and to punish those who are guilty of wrong-doing in office. Officers will not and cannot be genuinely responsible unless the voters are well informed and active.

Suffrage requirements. The effective part of the people for the purposes of government consists of those who have the suffrage. In Minnesota every man and woman citizen of full age (21 years) and legal competency who has resided in the state six months and in the voting district (precinct, ward, village, or township) thirty days is entitled to vote in that district for all officers who are elective by the people in that district and upon all proposals to change the constitution or laws of the state or of the local community. No religious tests or property tests are permitted, but criminals and insane persons are excluded from voting.

Power to amend the constitution. One important power vested in the voters is that of passing upon all proposed amendments to the constitution. Amendments are proposed by a majority vote in both houses of the legislature. They are then published with the laws, and submitted to the voters at the next election. To be adopted an amendment must receive the affirmative votes of a majority of all the voters who cast their ballots at the election, not merely a majority of those who vote upon the amendment. This is a serious handicap to be overcome, since many voters who vote at the election are in the habit of neglecting to vote upon amendments. Up to and including the election of 1898 it was necessary to get only a majority vote of those voting upon the amendment, and the result was that of 66 amendments then proposed, 49 were adopted and only 17 rejected, or 74 per cent adopted to 26 per cent rejected. In 1898 the voters adopted the proposal to

make amendments more difficult, and the result has been that in the elections from 1900 to 1920 inclusive, of 48 amendments proposed, while each received a majority of the votes upon the amendment, only 11 received the majority of all the votes at the election necessary for adoption, while 37 fell short of this requirement and were defeated; or in other words, since 1900, 23 per cent of the amendments proposed have been adopted, while 77 per cent have suffered defeat.

The power to elect officers. A still more difficult task of the voters is that of electing public officials. According to the constitution, every legal voter is entitled to vote "for all officers that now are, or hereafter may be, elective by the people" in the voter's district. Following the precedent of the majority of the older states, Minnesota has put upon the voter a burden which he is almost unable to carry. Besides electing officers of the national government, and of the county and local government where he lives, the voter is called upon every two years to elect almost a complete quota of state officers. Among the elective state officers are the governor, lieutenant-governor, secretary of state, auditor, treasurer, attorney-general, three railroad and warehouse commissioners, five justices of the state supreme court, a clerk of the supreme court, judges of the state district courts, and representatives and senators in the state legislature. The regular state elections come in the even-numbered years, upon the first Tuesday after the first Monday in November.

Political parties. In order to perform their duties effectively and to make the government responsive to their demands, voters find it necessary to unite themselves into parties. Independent voters are useful and effective only where parties exist; a nation in which there were no parties and in which every voter was an independent would be an unthinkable political chaos. Parties are needed, first to formulate common principles of political action for large masses of voters, and second to help arrange lists of candidates for different offices who are pledged to carry out the platform. The existence of parties tremendously simplifies the voter's task. There are disadvantages, of course, in being compelled to accept party principles and candidates all tied up in bundles and labeled, but the advantages outweigh the disadvantages. The remedy for the disadvantages is not to abolish parties, but for the voter to take such an active part in his own party's affairs as to keep it responsible to him.

References: For the suffrage requirements in Minnesota see the state constitution, Art. 7, and also the 19th (woman suffrage) amendment to the United States Constitution. On the need of a party system, see Elihu Root, *The Citizen's Part in Government*, (Scribner's Sons, 1907).

SECTION 5

THE PRIMARY ELECTION LAW

Nominations. One of the first functions of a party is to nominate candidates for the several elective offices who are pledged to support the party and its principles. The great difficulty has been that the machinery of the several parties has tended to fall into the control of groups of political leaders who are irresponsible to the voters of the party and who use their power to nominate men to office who support the selfish interests of the leaders. The history of popular government in the United States is the history of one attempt after another by the people to wrest the control of the party out of the hands of powerful leaders and to restore it to the voters. The nominating convention, which is still used to nominate candidates for the presidency and also to nominate candidates for state office in some states, was created in order to give the people a voice in party affairs.

The convention system in Minnesota. In Minnesota the convention system was the rule until 1912. The caucuses which chose the delegates to the conventions, and the conventions themselves, were practically unregulated by law. Each party organization was really a law unto itself. Caucuses were often held at times and places inconvenient for the voters, and with little previous notice. The whole affair of managing the caucus was cut and dried. A few precinct and ward leaders would appear, nominate one or more of themselves to go to the county convention, and the county convention repeated the performance in electing delegates to the state convention. The people of the state became disgusted with the system and raised an insistent demand for a primary election law to give the voters the power to nominate their own party candidates directly. Such a law was passed in 1912, and now, after a few years of trial, this law is itself being much denounced. Many proposals have come, especially from Republican leaders, for changes in or the abolition of the primary system. When the different substitute schemes are discussed it should be remembered that the primary law was passed by a Republican legislature in a special session called for the purpose by a Republican governor, and that the men who passed the law had very definite ideas as to the evils of the old convention system and were honestly trying to bring about improvements in the nominating system.

The primary law. The primary law provides that all state officers, legislative, executive, and judicial, all county officers except the county surveyor, and all officers of cities of the first and second class, shall be nominated at primary elections. For all state and county officers this primary election comes on the third Monday in June preceding a general election. All candidates for the following offices are nominated "without party designation": chief justice or associate justice of the supreme court, judges of the district, probate, and municipal courts, senators and represen-

tatives in the state legislature, and all elective county offices and municipal offices in first and second class cities. That is to say, party considerations are supposed to be ruled out entirely in the nomination and election of candidates for these positions. Only candidates for the office of governor, lieutenant governor, secretary of state, auditor, treasurer, attorney general, railroad and warehouse commissioner, and clerk of the supreme court, are nominated on partisan ballots.

Procedure at primaries.—The procedure at the state primary is somewhat as follows: 1. Every voter who appears is given a ballot or ballots upon which are printed the names of the several offices and of the candidates therefor which are filled by nomination and election "without party designation." Suppose there are three persons who wish to be nominated for chief justice of the supreme court, five who wish to be associate justice with only one place to be filled, and so on. The voter marks his ballot for the candidate of his choice, and when the votes are all counted the two who have received the highest vote are declared to be the nominees. At the general election one of them is elected, but still "without party designation" on the ballot.

2. In addition, every voter who can make the party declaration explained below is given a ballot on which are listed the men of his party who wish to be the party candidates for the offices of governor, lieutenant governor, and so on. At the end of the day's voting each party's ballots are counted separately, and the man who gets the highest number of Republican votes for the nomination for governor is declared to be the Republican party candidate for that office, and so for the other offices on the ticket. The same count is made for each of the parties, so that there will be as many candidates in the field for these various offices as there are parties. At the general election party designations again appear on the ballots for these offices, and the highest man wins the election.

Judicial and local officers. No great objection has been raised up to this time to the plan of electing judges and county and local officers on a non-partisan basis. Existing parties are formed on national lines and principles. They have little or no logical connection with the issues and problems of local politics, and it is generally agreed that it would be unfortunate to return to the partisan election of judges. Nevertheless there is a bill now before the legislature to restore even these offices to a party basis.

A legislature without party responsibility. There is far more difference of opinion as to the wisdom of electing our legislators without designation. No one seems to know just why the non-partisan scheme was applied to the legislature; there is no other state in the Union which elects its legislators in this way. Those who favor continuing the plan argue that we get better legislators in this way than we used to get. There is no denying the fact that we do have a good class of men in the legislature of our state, but

no one has yet proved that this is due to the peculiar system we have of electing them. If there has been any improvement in recent years, it can probably be attributed to a progressive improvement of our public standards, to the labors of the prohibition forces and to other factors. On the other hand the friends of party government point to striking weaknesses in the system of electing legislators without party designation. Take the present situation as an example. In the last election Mr. Preus, Republican, was elected governor for the next two years upon a party platform which promised the passage of a reasonable tonnage tax, a program of agricultural laws, and other measures. Upon that platform the campaign was fought, and the result was a sweeping victory for the Republican candidate. He will now attempt to carry out the party's promises. Can he appeal to the Republican party in the legislature to redeem its own pledges and to support his measures? No, for officially there is no Republican party in the legislature. The members were elected without party designation, and more because of personal merit than for any other reason. Despite the fact that the legislature is the chief policy-determining body in the government, it can in no sense be held to any party responsibility for its actions. We elect a clerk of the supreme court as a partisan, a Republican or Democrat, but those who make our laws are subject to no party discipline whatever.

Nomination of state executive officers. The partisan features of the primary law are also being subjected to much criticism. When filing for a party office a person must state in his affidavit filed with the secretary of state "that he affiliated with said party at the last general election, and either that he did not vote thereat or voted for a majority of the candidates of said party at such election and intends to so vote at the ensuing election." It is well known that this provision has not prevented men without any real affiliation with the party from filing as Republican candidates for nomination. The reason why they choose to file as Republicans is that the state is normally Republican; hence, if they succeed in getting nominated by that party they stand a good chance of election. Republican leaders can hardly be blamed for resenting such intrusions into the party lists by men who have no genuine attachment to the party.

"Cross voting." Every voter is entitled to receive at the primary election, in addition to the ballot without party designation, "a ballot of the political party whose candidates he shall declare (under oath if his right thereto is questioned) that he generally supported at the last election and intends to support at the next ensuing, except that when voting for the first time he shall not be required to declare his past political affiliation." This clause was designed to prevent voters from claiming the ballot of any party but their own. In fact, there has been a great deal of "cross voting," and it has been impossible to carry out the intent of this provision. Various political workers, and even leading newspapers

have at times advised voters to ignore the law. The phrase "generally supported" has been open to many different constructions.

Proposed change in the law. As a result of the inroads of both candidates and voters who are not sincerely affiliated with the party, the Republican leaders have experienced great difficulty in maintaining an effective organization. They have, therefore, proposed various modifications in the primary law, and some have gone so far as to propose repealing it. In the 1919 legislature it was impossible to bring about any agreement as to what should be done. Among the proposals before the 1921 legislature are the following: 1. Some system of party registration, in order to prevent the frequent crossing of party lines which is known to have taken place in the past. 2. A more or less complete return to the convention system. One proposal under this head calls for the holding of pre-primary elections or caucuses, in which the voters of each party would elect delegates to party conventions; the conventions would then meet and propose slates of candidates; other candidates not approved by the conventions would be permitted to file by petition; and at the regular primary election the voters of each party would do the actual nominating, choosing as between the men proposed by conventions and those who filed by petition. Others go farther, proposing a complete return to the convention system for nominating all state and county officers. 3. A law compelling all political organizations which take part in the campaign on a statewide scale to register and to conduct themselves as regular political parties. 4. A law prohibiting candidates who are defeated in the primaries from running for election the same year. 5. A law to put the legislature back upon a party basis. Some of these proposals are already before the legislature in the form of bills.

References: Minnesota Election Laws, 1920 edition. Secretary of State, St. Paul.

SECTION 6

THE LEGISLATURE: ORGANIZATION

Powers of the legislature. The legislature is the supreme law making body of the state. It is, in a sense, more powerful than either the executive or the judiciary, since it controls the purse for the entire government, and makes the laws which are essential for organizing and carrying on the work of both of the other departments.

Number and apportionment of members. There are two houses, the senate and the house of representatives. There are today sixty-seven senators and one hundred and thirty-one representatives. These numbers have been fixed by the legislature and are subject to change. The constitution says merely that there shall not be more than one senator for every 5,000 inhabitants of the state, nor more than one representative for every 2,000 inhabitants. Representation in both houses is supposed to be "appor-

tioned equally throughout the different sections of the state in proportion to the population thereof," but in practice this is not possible. At the present time the northern part of the state, which is growing rapidly in population, is under-represented. The constitution directs that there may be a reapportionment after each census, but in fact a reapportionment may be made by the legislature at any session. There are committees in both houses of the legislature this year to consider the question of reapportionment.

Terms and qualifications. Senators hold office for four years, and in practice they are all elected at one time, in 1918, 1922, and so on, despite a provision of the constitution which seems to provide a system of electing half of the senators every second year. Representatives hold for two years. Any qualified voter who has resided one year in the state and six months in his district is eligible to either house of the legislature, but no legislator may hold any federal or state office except that of postmaster. The compensation is \$1,000 for two years, and there is additional pay to cover mileage and incidental expenses.

Sessions. Regular sessions are held biennially, in the odd-numbered years, beginning on the first Tuesday after the first Monday in January, and lasting for ninety legislative days, or until about the middle of April. Special sessions may be called at any time by the governor; there were special or extra sessions in 1912, 1916, and 1919. No new bill shall be introduced in the last twenty days of any regular session except at the request or suggestion of the governor; the object of this requirement is to prevent bills from being rushed through without consideration in the last few days. The length of regular sessions is limited not only to bring about economy and to compel attendance to business but also upon the theory that all necessary good laws can be passed in the ninety days and that if longer time is spent it will be used by the legislators for evil purposes. As a matter of fact the limitation is not an unmixed blessing; sometimes a longer time is needed to do the necessary business well; sometimes a shorter time would suffice, yet the full time is almost always used. Most bills are actually passed in great haste in the last week or ten days of the session.

Presiding officers. The lieutenant-governor presides over the senate; the house of representatives chooses its own speaker. Usually an attempt is made before the session to decide who shall be speaker of the house, and when this is successful much time is saved by the fact that the speaker is ready to announce the membership of the committees just as soon as he has been formally elected.

Committees and bills. The committees are exceedingly important. They serve as so many extra eyes for the legislature to examine the bills which are presented. Without them the legislators simply could not do their work. In the regular session of 1919 there were 1,059 bills presented in the senate, and 1,250 in the house, or 2,309 in all. Of course this number includes many dupli-

cations, yet even with proper deductions for these there remained an impossible number for either house as a whole to have considered. Indeed, due to the shortness of the session and the losses of time both at the beginning and at the end, even the committees were unable to give all the bills adequate consideration. As it was, 533 bills became law, or about 25 per cent of all. Most of the others, including some which must have been meritorious, "died" in committee. In the senate this year there are 27 committees dealing directly with legislative bills; in the house there are 37. The senate committees contain from 9 to 26 members; the house committees from 9 to 31. Every member of each house belongs to at least one important committee as well as to one or more less important ones.

Minor officers. In addition to the presiding officer and the committees, each house has a secretary (senate) or chief clerk (house), various assistant secretaries or clerks, a sergeant at arms, a chaplain, and minor employes.

References: See end of section 7.

SECTION 7

THE LEGISLATURE: PROCEDURE AND WORK

Constitutional rules of procedure. The constitution lays down certain fundamental rules of procedure. Each house must keep a journal, which is to be published. Neither may adjourn for more than three days without the consent of the other. Sessions shall be open to the public. All bills for raising a revenue must originate in the house of representatives. No law may be passed unless voted for by a majority of all the members elected to each branch of the legislature, i. e., on the present basis, 34 votes in the senate, and 66 votes in the house. The vote must be entered upon the journal of each house. Every bill is required to be read on three different days in each separate house before it is passed, unless in case of urgency two-thirds of the house vote to suspend this rule. All bills should be read twice at length before passage, but it is physically impossible to read every word of a bill in this way. The laying of the printed bills upon the desk of each member before the passage of the bills is a very happy and time-saving substitute for the complete reading of bills. Bills which have passed both houses shall be carefully enrolled for preservation by the secretary of state, and shall be signed by the presiding officers of both houses. No bill may be passed upon the last day of the session.

The governor's veto power. The constitution also provides for the governor's veto power. Every bill which has passed both houses must, before it becomes a law, be presented to the governor. If he approves it, he signs it and deposits it with the secretary of state, thereby making it a law. If he holds it for more than three days (Sundays excepted) without signing it, it becomes a law without his signature. If he disapproves a bill he must return it, with

his objections, within three days to the house where it originated; this house may then proceed to reconsider it, and if it then passes the bill by a two-thirds vote the bill goes to the other house; if that house also repasses the bill, and by a two-thirds vote, it becomes a law without the governor's approval. The governor has three days after the end of the session in which to sign bills passed in the last three days of the session. If he holds any bills beyond that time without signing them, they do not become law. In the matter of appropriation bills, the governor may veto single items of appropriation, subject to the usual power of the houses to re-pass such items by a two-thirds vote. He has not power to cut down items of appropriation, however.

Rules of each house. In addition to these fundamental rules of procedure, each house has certain rules made by itself and subject to change at any time. These rules provide for a daily order of business, specify what committees there shall be and prescribe their powers, lay down the fundamental rules of parliamentary procedure to be observed, and in general provide the detailed rules for the conduct of business and the keeping of order in the houses.

Procedure on bills. It would indeed be tedious to give all the rules of procedure upon bills, but something may be learned from the following rough synopsis of the steps:

1. Introduction of the bill. Bills are introduced in writing by being placed in the hands of the speaker of the house or of the secretary in the senate. The bill is then read the first time, but if objection is made it may be rejected at once by a majority vote. If there is no objection the bill is referred by the presiding officer to the appropriate committee, unless the bill comes from a committee, in which case this step is omitted.

2. The committee stage. Interested persons should find out to what committee a bill has been referred, who are the members of the committee, and when and where the committee will meet. These are matters of public record. Whenever it is possible and desirable the committees provide, an opportunity for the public to make their wishes known. If no one appears to urge the passage of a bill, or to protest against it, the committee can only use its best judgment as to what to do.

3. Second reading and Committee of the whole. After the standing committee has considered the bill it reports its recommendation to the house or senate, as the case may be. If its report is unfavorable, the bill is printed and placed upon the members' desks. In due time the bill is then called up again and read a second time, and it is then considered by the whole house or senate "as in committee of the whole." Debate is then very free, and any number of amendments may be offered. The committee of the whole then reports back to itself as a house or senate a recommendation to pass the bill, or pass it with amendments, or reject it. The amendments, if any, are then approved or rejected, but the bill is not yet passed.

4. Third reading and passage of the bill. Again in due time, the bill is given its third reading and put upon its passage. No important amendment can be accepted at this time without unanimous consent. The bill is supposed to be substantially in final form. The roll of the members is called, and the bill is either passed or defeated.

5. Procedure in other house. Having passed one house, the bill is transmitted to the other, where the same procedure is gone through. If it is passed in this house, the bill is signed by the presiding officers. If the second house makes amendments in the bill, then there must be a conference of committees from the two houses, to agree upon the terms, and the bill must repass both houses.

6. Approval by the governor. Finally, when both houses have agreed upon the same bill, and it has been signed by the presiding officers of both, it is transmitted to the governor for his approval or veto, as described above.

Of course it will be understood that procedure varies somewhat upon different bills. Bills can be rushed through in a very few days when necessary by combining various steps into one or even by eliminating some stages. In cases of necessity the rules are suspended to expedite business; in fact this has to be done very often.

Legislative program, 1921. No legislature in recent years has been confronted by more numerous, more important, or more difficult problems than those which must be solved by the legislature of 1921. Among the questions which are already before it, many of which are discussed elsewhere in this booklet, are the following: 1. The tonnage tax on iron ore, either in lieu of or in addition to the present tax. 2. The program of laws proposed by the Minnesota Farm Bureau Federation. 3. Reform of the primary law. 4. Reorganization of the state highway department to carry out the trunk highways amendment. 5. Revision of the laws governing state aid for schools. 6. Revision of the workmen's compensation law. 7. Laws for the development and for the protection against forest fires of northern Minnesota. 8. Increased appropriations for the university and certain other state institutions and departments. 9. A better state budget law. 10. The creation of a department of public domain (already recommended by the governor). 11. Flood control measures for the Minnesota valley. 12. Changes in the soldiers' bonus law.

The governor's proposals. The governor in his message made recommendations as to election reform, the farm bureau program of legislation, the tonnage tax, the trunk highway system, laws to better the status of women, the soldiers' bonus act, changes in the workmen's compensation law, the clearing of cutover lands, the consolidation of executive departments, the proposed department of public domain, and the necessity of economy in public expenditure.

References: Constitution of Minnesota, art. 4; Legislative Manual, 1919, pp. 337-366 (for the committees, and Senate and House rules); Inaugural Message, 1921, Governor J. A. O. Preus.

SECTION 8

THE EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS

Increase of executive departments. The constitution provides that "the executive department shall consist of a governor, lieutenant governor, secretary of state, auditor, treasurer, and attorney general, who shall be chosen by the electors of the state." As a matter of fact, this statement is misleading, for there have been created in the history of the state a number of other offices and departments which are just as much a part of the executive as the officers named above. Indeed, the most outstanding development in our governmental history has been the tremendous increase in the number of boards, departments, and officials required to carry out the great mass of financial, industrial, commercial, agricultural, social, and educational legislation which has been placed upon the statute books. It was officially reported in 1914 that "the number of branches of the state government, including semi-public associations receiving aid from the state, is now about seventy-five," and the number has not been materially reduced. Necessarily there is some overlapping of functions, with a consequent loss in efficiency, and it is difficult for the average citizen to understand just how things are being done.

Absence of centralized control. The legislature alone has any effective control over these numerous departments, and it meets for such a short time every second year and is so busy with legislation that it has little time to investigate administration. The governor is not, in a real sense, the chief executive of Minnesota as the president is the chief executive of the United States. Certain officers, like the auditor, treasurer, and attorney-general, are practically independent of the governor. Over certain of the important boards, such as the board of regents, the board of control, the board of education, and so on, the governor has only partial control, for in a single term the governor can appoint only a fraction of their members. Still, the governor has much more power than the constitution indicates, and Governor Eberhart tried to make him the real head of the state administration. The Efficiency and Economy Commission, appointed by him, recommended, and he approved, a plan of reorganizing the executive branch of the state government somewhat along the lines of the federal government. It was proposed to put practically all the functions of the state government into six great departments, four of which, the departments of public domain, public welfare, labor and commerce, and agriculture, would have been under directors appointed by the governor. The department of finance was to be under the treasurer, as director of

finance, elected by the people; and the department of education was to be under two boards, a board of education and a board of regents for the university, both appointed by the governor. Very little of this plan has been enacted into law. Other states, like Illinois, have greatly simplified their administrative organizations in recent years.

The executive officers named by the constitution will be dealt with in this section. Later sections will take up those created by statute.

The **governor** is elected by the people for a term of two years at a salary of \$7,000 per year. He has the veto power, described elsewhere, and the power to recommend laws, and he may call extra sessions of the legislature. He is commander-in-chief of the state military forces. "He may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices." "He shall take care that the laws be faithfully executed," and shall "fill any vacancy that may occur in the office of secretary of state, treasurer, auditor, attorney general," and other state offices. He is a member of the board of pardons, and ex-officio a member of the board of regents and various other boards. With the approval of the Senate he appoints the state librarian, adjutant general, public examiner, insurance commissioner, superintendent of banking, dairy and food commissioner, commissioner of labor and industries, chief oil inspector, fire marshal, hotel inspector, commissioner of highways, commissioner of agriculture, game and fish commissioner, and the members of the following boards and commissions: tax commission, board of health, board of control, board of regents of the university, and board of education, as well as many other officers and members of boards. He also may fill a vacancy in the United States senatorships from this state, but only until the next general election.

The **lieutenant governor** presides over the state senate, but he has no executive functions unless the governor's office becomes vacant, in which case the lieutenant governor becomes governor during the vacancy.

The **secretary of state** is elected for a term of two years at a salary of \$4,500. He is the recording officer of the state, and the official custodian of official papers. All corporation records and all official bonds of state and county officers are filed in his office. "He is the custodian of all the volumes of laws and journals and all the legislative records of whatever nature The whole machinery of state elections and the final canvassing of votes is carried forward in his office." The preparation of the session laws for publication is one of his duties, and the care and disposition of state executive documents is another. His office handles the registration of motor vehicles. (Legislative manual, 1919.)

The **auditor** is elected for a term of four years at a salary of \$4,600 per year. His primary function, as intended by the framers

of the constitution, was and is that of being the chief accounting officer of the state government. He keeps the accounts of all funds, and of all money received and paid out by the state. No money may be paid out of the state treasury until the claim therefor has been audited and approved in his office, and a warrant has been issued by him for the payment. In addition to these important duties, the auditor has been intrusted with the care, leasing, and sale or other disposition of all the public lands of the state and of all the timber, ore, and other valuable resources found upon these lands.

The **treasurer** is also elected by the people, for a term of two years, and at a salary of \$4,500. He is the receiving and disbursing officer of the state. All public money comes into his hands, is deposited by him in approved banks, and is paid out by him upon warrants issued by the auditor. In his office are kept complete and detailed accounts of all receipts and payments of state moneys.

The **attorney general** is the chief law officer of the state. He defends the state in all suits brought against it, as for example in the suit now pending before the United States supreme court by the state of North Dakota against Minnesota on account of the flooding of lands in the vicinity of Lake Traverse, and also in all suits brought against any officer or department of the state in his or its official capacity. He may be called upon to assist county attorneys in prosecuting violators of the state laws, and must himself prosecute certain cases against state officers and certain suits on official bonds. He is the legal adviser of all the state departments, as well as of certain local authorities, and when required by the governor, auditor, treasurer, secretary of state, and certain other officers, or by either house of the legislature, he must give his opinion upon questions of law connected with their work.

References: Minnesota Constitution, Arts. 5, 13; Legislative Manual, 1919, pp. 397-398.

SECTION 9

THE STATE AND EDUCATION

Importance of education. The importance of having well educated men and women to perform the functions of citizenship has been recognized in America since colonial times. It is a fact that every branch of the government, from the federal authorities down to the smallest school district, gives some attention to educational matters, and not only the well-to-do and intelligent people in our cities, but even the humblest new settlers on raw and untilled land pay great respect to education, as is evidenced by the fine consolidated schools to be found in the newest of our northern Minnesota counties.

Federal aid. The federal government has recently entered the field of educational work on an extensive scale. It is already appropriating money to aid agricultural, vocational, and domestic science education. Indeed, there is now an important bill before

Congress (the Smith-Towner bill) to extend federal aid to educational work generally, in order to raise educational standards in America to a uniformly high level and to save our people from being "a nation of sixth-graders."

State primarily responsible. It must be remembered, however, that the state and not the national government is primarily responsible for education. The state does much educational work through the localities, the school districts, cities, and counties. The tendency is, however, toward a more centralized control over educational interests in the hands of the state, since in this direction lies our present hope of raising standards and bringing about uniformity of educational opportunities for all the young people of the state. The great state school fund of Minnesota, and the direct aid which can be given annually from this fund to the school districts, make it easier in this state than in most to bring about a good system of local schools everywhere in the state.

Minnesota's educational organization. Public education in Minnesota is under the direction of various authorities. The state board of education has control over elementary and secondary schools, the normal school board has charge of the six normal schools, and the board of regents has charge of the university. These authorities are independent, but the commissioner of education, appointed by the board of education, *ex-officio* a member of the board of regents and of the normal school board. The state board of control provides education for the inmates of the various state institutions. The historical society is the agency which preserves the records and spreads the knowledge of the history of Minnesota.

THE DEPARTMENT OF EDUCATION

The following statement concerning the state department of education was prepared by Mr. J. M. McConnell, the commissioner of education:

The State Board of Education was created by the Legislature at the 1919 session. The work formerly under the Superintendent of Education, the High School Board and the Library Commission was all vested in this board. The State Board of Education consists of five members appointed by the Governor, by and with the approval of the Senate, for terms of five years. The law makes it the duty of the Board to organize the Department of Education, to define the duties of appointees and employes and to make such rules and regulations as shall promote the educational interest of the state and safeguard its finances.

The law provides for a commissioner of education whose term shall be six years, and a deputy commissioner. It also fixes the number of heads of departments and assistants who may be employed and establishes the maximum salaries that may be paid. The law defines the powers and duties of the Commissioner of Education as follows:

"The commissioner of education shall have authority to nominate, for approval by the state board of education, such officials and employes as may be necessary to perfect and to maintain the organization of the department of education as recommended by the commissioner of education and as adopted by the state board of education. The commissioner of education shall perform the duties heretofore required by law of the state superintendent of education as ex-officio member of all the official boards and such other duties and functions heretofore vested in the state superintendent of education as the law and the rules of the state board of education may provide, and he shall be held responsible for the efficient administration and discipline of the various offices and divisions in the organization of the department of education; the said commissioner of education shall be required to make recommendations to the state board of education which shall facilitate all the work of the said board, and he shall be charged, furthermore, with the execution of powers and duties which the state board of education may prescribe, from time to time, to promote public education in the state, to safeguard the finances pertaining thereto, and to enable the said board to carry out, conclusively, the provisions of this act."

The plan provided under this law is approved by the highest authorities on the subject, and places Minnesota in the front rank with respect to its Department of Education. In pursuance of the terms of the act creating it, the Department of Education has been organized under the several divisions which follow:

1. **Rural Schools.** There are in the state about 7,600 one-room rural schools, 502 semi-graded schools and 255 consolidated schools, all of which are under the general supervision of this division. Rural schools in session at least eight months receive \$150 special state aid for each teacher holding a first class certificate. Those in session at least seven months receive \$100, for each teacher holding a second class certificate. Consolidated schools are of two classes, A and B. The former receive \$300 special aid and the latter \$150. In addition, both receive the amount reasonably expended for transportation of pupils, not to exceed \$2,000, provided that when more than \$2,000 is expended in any one year for transportation or board, the state pays three-fourths of such excess, but not more than \$4,000. In addition to annual aid, consolidated schools of either class may receive one-fourth of the cost of buildings erected, but not to exceed \$2,000. All schools must be open at least six months. Supervision of the distribution of all state funds for rural, semi-graded and consolidated schools is in charge of this division. Examinations for teachers' certificates of the first and second class, good in rural schools, and also for special certificates required in consolidated schools, are in this division. Teachers' institutes for rural teachers in the several counties are directed in co-operation with the county superintendents, the state appointing and paying the institute instructors. The division is in charge

of three inspectors who give their time to the schools included and assist county superintendents and school boards throughout the state.

2. **High and graded schools.** This division also includes the vocational work. Some high or graded schools are also consolidated schools and hence come under both this and the rural division. A consolidated school becomes a high or graded school when it meets the respective requirements. There are 240 high schools and 261 graded. A high school must be in session at least nine months and receives \$1,800 special state aid. A graded school must be in session at least nine months and receives \$600 special state aid and in addition \$100 for each grade teacher above four and \$250 for each high school teacher, but not to exceed \$1,300. High, graded, or consolidated schools maintaining courses in agriculture, home training (including cooking and sewing), manual training, or commercial training, receive \$1,000 special state aid for agriculture and \$600 for the others, respectively. Schools maintaining vocational work in agriculture or home economics in compliance with the terms of the Federal (Smith-Hughes) Act receive federal aid in addition to that given by the state. Forty-four of the eighty-five schools giving agriculture and eight of the two hundred eighteen schools giving home economics have thus far qualified for the federal aid given for vocational work.

High schools which maintain a department for training rural teachers receive \$1,600 special state aid, if they employ one instructor, \$2,400 if they employ two and \$3,000 for a greater number. About one hundred high schools maintain teacher training departments. To provide instruction in agriculture and industrial training, and for supervision, rural schools may become associated with a high school. Rural schools so associated receive \$50 special state aid and the central school \$200. Any qualified pupil who is a resident of the state and whose district does not furnish high school instruction is entitled to attend any high or graded school free of charge. The state pays tuition for such pupils to the amount of \$3.00 per month.

This division employs a high school inspector, who is likewise director of vocational education, also an assistant inspector, an inspector of elementary schools, and an inspector of teacher training departments. It employs also with half salary paid from federal funds a supervisor of agricultural education, a supervisor of trade and industrial education and a supervisor of home economics education. Evening schools are under the direction of this division.

3. **Buildings and Sanitation.** Minnesota is one of two states maintaining in the department of education a division which regulates school buildings erected. Plans and specifications for all new school buildings or for the enlargement of old ones must be submitted to and approved by this division before contract for the erection of such building or change of building can be let. The division confers with architects and advises school boards on meth-

ods of lighting, heating, ventilation and arrangement of rooms and establishes fundamental rules which must be complied with. It prepares and distributes free of charge plans and specifications for one and two room buildings. The division employs one inspector who, for the past five years, has also been in charge of the division of special classes.

4. **Special classes for defectives.** By legislation passed in 1915, and amended in 1919, school districts are authorized to establish special classes with special instructors for children who are blind, deaf, defective in speech or subnormal. Special state aid is given on the basis of \$200 for each blind child, \$150 for each deaf child, \$100 for each mentally subnormal or child having defective speech. The classes are conducted according to rules and regulations established by the Department of Education and are under the direction of this division. The work has been carried since its introduction by the inspector whose special work is that of the Division of Buildings and Sanitation.

5. **Library.** For many years state money has been given to school districts to assist and encourage them in the purchase of library books. Also a carefully selected list of books has been furnished to schools for their direction in purchase. In late years, this work had been done under a supervisor in this department. The act which created the State Board of Education in 1919 abolished the Library Commission and placed the Traveling Library and such relation as the Commission held to the public libraries of the state in the Department of Education. Thus, the library in Minnesota has been made a part of the system of public education. The Library Division as now organized is in charge of a Director of Libraries, and Assistant Director, and two librarians. The division renders the following service:

(a) State Aid for purchase of books for school libraries. Each school may receive, in addition to other aid, library aid amounting to \$10 for each teacher employed, with a maximum of \$25 to a building, providing the district appropriates a like amount for the same purpose. Books must be selected from the lists published by the Department of Education.

(b) Direct service to libraries, communities and individuals by the loan of books in traveling libraries. Traveling libraries of 25 to 50 volumes for general reading are lent to any library, school or community under certain regulations, and the reference department furnishes reference libraries on special subjects for study clubs and supplies package libraries made up of books, pamphlets, magazine articles and clippings to students preparing papers or debates or readers pursuing some special line of study.

(c) Advisory and instructional work for public and school libraries. Members of the library staff visit school and public libraries to confer with librarians, library boards and school boards regarding matters of library organization and administration. Advice is given on selection of books, library equipment, furnishing

and planning of library buildings and rooms. A quarterly bulletin entitled Library Notes and News serves as a means of library publicity in the state and contains practical suggestions and aids in library work. A six weeks' summer school offers a course in library training without charge to librarians of school and public libraries in the state.

6. **Employment bureau.** In 1913 Minnesota became the second state in the Union to establish in the Department of Education an employment bureau for teachers. This division aids school boards to secure teachers and enables teachers, without cost, except the registration fee of three dollars provided by law, to secure positions. It has rendered service especially valuable during the shortage of teachers in assembling and distributing those available. During the fiscal year ending June 30, 1920, 878 teachers were placed at salaries aggregating \$954,266, and during July, August and September, 600 teachers at salaries aggregating \$800,920. The registration fees received pay almost the entire cost of maintenance. The division is in charge of a director who divides his time between this division and the secretaryship of the Teachers' Retirement Fund Association, which accordingly pays half his salary.

7. **Re-education and placement of injured persons.** The Legislature at the 1919 session created a division for the training and instruction of persons whose capacity to earn a living has been destroyed or impaired through industrial accident or otherwise. A plan of co-operation has been established, in accordance with the terms of the law, with the department of labor and industries which has charge of workmen's compensation, for purposes of administering the act. The division aids injured persons in selecting a vocation suited to their liking and within their physical limitations. It arranges for their instruction in vocational schools or factories and supervises the training which they receive. Tuition is paid in full from the state funds appropriated for the purpose. More than one hundred and fifty persons have been trained for some vocation since the work began July 1, 1919, or are receiving instruction. Federal funds have now been provided to assist in this work and Minnesota was the first state to qualify under the terms of the Federal Act. It was the second state to enter this field of education. The work is in charge of a director, an assistant director and a placement officer.

Supplementary state aid. In addition to the special state aid noted under the several divisions, aid is also distributed to districts which carry an unusual tax burden. The law is as follows:

"Districts whose local tax levy for maintenance of school exceeds twenty mills (20) in any year may receive in addition to other aid, one-third of the amount raised in excess of that received from the twenty (20) mill levy with a maximum of twenty-five hundred dollars (\$2,500) to each high school, eighteen hundred dollars (\$1,800) to each graded school, and to rural schools, two hundred dollars (\$200) for each teacher.

"To assist any school district which does not maintain a state high or state graded school in maintaining its public schools, when a levy of fifteen (15) mills in such district does not raise five hundred dollars (\$500) for each school in session seven (7) months during the year," the state board of education may expend not to exceed two hundred dollars (\$200) for each such school. (Paid from the Current School Fund.)

Needs of the Department. The immediate needs of the Department, in addition to its present force, are (1) a statistician whose work would be to investigate educational problems and furnish information to school authorities and to the public, (2) an inspector to take charge of the division of Special Classes, (3) an additional inspector in both the rural school division and the high and graded school division. The need will be imperative should the proposed legislation extending the work of the Department be passed. None of these additions can be made until the provision of the law limiting the number of heads of departments and assistants has been amended. Again the present high character of the Department cannot be continued unless the salary limitations of the law are made more liberal.

State Funds to Schools. Money paid to the schools by the state is from three funds:

1. The permanent school fund, which comes from the sale of school lands and swamp lands. This fund now amounts to about \$31,000,000, which is invested in securities, only the interest being distributed, by the terms of the constitution, to all school districts in the state on the basis of the number of children enrolled.

2. The current school fund which comes from the levy of a special one-mill tax on all the property of the state and amounts at present to about \$1,750,000 annually. Except \$150,000, which is set over by law to the Special School Fund and the aid given for special classes, the *current school fund* is added to the income from the permanent fund, and the whole amount thus obtained is apportioned semi-annually to all school districts in the state on a per capita basis for all children who attend forty days or more. This apportionment for the year ending June 30, 1920, was \$6.70 per child and will be more this year. This distribution, amounting to about \$3,000,000 a year, it will be understood goes to every district without regard to its wealth and without regard to the quality of school it maintains. It gives support, but without regard to need, and carries with it no standards or direction.

3. The special school fund, or annual fund, which is appropriated from the general funds of the state at each session of the legislature, amounts at present to more than \$3,000,000 annually. From this fund is paid to high, graded, consolidated and rural schools all special aid, the amount of which is provided by law.

The State Board of Education is given wide power in making rules with which state aided schools must comply. Through this power, the use of this special state aid has come to be perhaps the

largest single factor in securing high standards and progress in Minnesota schools. For example, it is through the exercise of this power to make rules governing state aided schools, that the State Board has been able this year to set minimum salaries for teachers.

THE NORMAL SCHOOL BOARD

There are six state normal schools, located at Winona, Mankato, St. Cloud, Moorhead, Duluth, and Bemidji. These schools exist primarily for the purpose of training teachers for the elementary schools of the state, and their existence is necessary in order that a high standard of teaching may be maintained in the schools of the state. The management of the normal schools is vested in the state normal school board, consisting of nine members, eight of whom are appointed by the governor for terms of four years, and the ninth of whom is the state commissioner of education. The members serve without salaries.

While it is impossible to speak here at length concerning the normal school system, the importance of these schools can scarcely be over-rated. They serve both the state department of education and the local school board, and both the school and the scholar, in that they provide annually in their graduating classes a large number of well-trained teachers for elementary schools.

THE STATE UNIVERSITY

History. The state provides practically free education to its citizens from the elementary grades up to and through the most advanced studies in the graduate school of the university. The university is the apex of the educational pyramid supported by the state, and it should be understood by all citizens that the university is as much a part of their school system as the local grade school. The first law providing for the university was passed in 1851, but there followed years of slight progress and financial trial, and it was not till 1868 that the university was solidly founded in the law and not until 1869 did the collegiate work begin. In the meantime the national government had reserved seventy-two sections of public land "for the use and support of a state university," and another seventy-two sections were acquired in 1870, much of which is still held in trust for the university.

Organization. The state controls the university through a board of twelve regents, consisting of the governor, the commissioner of education, the president of the university, and nine members appointed by the governor for terms of six years. The president of the university is himself appointed by the other members of the board. The regents meet frequently at the university and maintain complete control over all university affairs, except that new buildings are erected, fuel purchased, and insurance placed under the direction of the state board of control. Beginning with little but the academic and preparatory departments, the university has tremendously expanded and improved its work. Among the

present departments there are the college of science, literature, and the arts, the college of engineering and architecture, the department of agriculture with substations and branch schools in various parts of the state, the law school, the medical school, the colleges of dentistry, mines, pharmacy, chemistry, and education, the graduate school, the general extension division, and the school of business administration. Demands are constantly being made upon the university still further to expand and diversify the various lines of work.

Present problems. The university is today confronted by some of the most serious problems in its history. In the first place the enrollment of students of collegiate grade has grown from 2,685 twenty years ago, and 3,663 ten years ago, to approximately 7,500 this year, with many more registered for extension work. Buildings and classrooms are filled to overflowing. Adequate teaching is out of the question. In the second place, some of the best professors and instructors on the staff have been attracted away by the higher salaries offered in other universities and in the business world. In the third place, the increase in salaries which the university has been able to offer has not kept pace with the cost of living; and the cost of supplies for the classroom and the laboratory and the expense of building have exceeded the available appropriations.

To enable the institution to meet and to overcome these heaped-up difficulties, the regents are asking considerable increases in the biennial appropriations for the years 1921-23. If allowed by the legislature, the increased funds will be used as follows: 1. To increase the salaries of the staff. 2. To add new members to the staff where it is now weak. 3. To provide necessary equipment and supplies. 4. To provide for repairs and alterations to buildings. 5. To advance the building program so that new buildings may become available as soon as possible.

THE MINNESOTA HISTORICAL SOCIETY

Organization and objects. The Minnesota historical society is a semi-public organization, supported mainly by state appropriations, which was organized by law in 1849, the year in which the territory was established, and which has existed continuously from that day down to the present. The objects of the society are, "in addition to the collection and preservation of publications, manuscripts, antiquities, curiosities, and all other things pertaining to the social, political and natural history of Minnesota, to cultivate among the citizens thereof a knowledge of the useful and liberal arts, science and literature." The society is now housed in a splendid fire-proof building erected by the state adjacent to the capitol in St. Paul.

Library and museum. In furtherance of its objects the society has accumulated, by gift and purchase, one of the best historical libraries in the west, containing about 135,000 books and pamphlets.

It endeavors to collect everything printed relating in any way to the state or to any institution, organization, or individual in the state or connected with it. Especially valuable are the constantly growing collection of manuscript material, letters, diaries, and other documents of men and institutions whose activities have made Minnesota what it is—and the files of Minnesota newspapers, which stretch back to the establishment of the territory in 1849. The society has also an extensive archeological and historical museum, which aims to visualize the life and conditions of the past in Minnesota.

Publications. A quarterly magazine, the *Minnesota History Bulletin*, is published by the society. Seventeen volumes of *Collections*, containing much valuable historical material, and a quarto volume on the *Aborigines of Minnesota* have been issued, and several volumes are in press or in preparation at the present time. These include a comprehensive, four-volume history of the state by Dr. William Watts Folwell. All members are entitled to receive current publications as issued. Any citizen of Minnesota may become a member by making application and by paying the small annual dues.

Financial needs. Due to the decreased purchasing power of its income the society is today facing a critical situation. It has been compelled to curtail several of its services, to the great injury of its work. In order to prevent the serious impairment of its activities the society is asking the 1921 legislature to increase its annual appropriation from \$25,000 to \$50,000.

References: Minnesota Constitution, Art. 8; Report of the State Board of Education upon the Revision of State Aid, 1920; Needs of the Biennium, University of Minnesota, 1921; Handbook, Minnesota Historical Society, 1920.

SECTION 10.

THE STATE INSTITUTIONS

Board of control. The Minnesota State Board of Control was created by law in 1901 to take over the management of a considerable number of state institutions formerly controlled by separate state boards. The Board consists of three members appointed by the governor with the consent of the senate for terms of six years each, at a salary of \$4,500 per year each. One member's term ends every other year. So successful has this board been in its work that its functions have been added to from time to time, until today he is a rare citizen who comprehends the variety and the extent of its activities. Indeed, it will be impossible in this pamphlet to do more than to enumerate its powers and duties.

1. **Institutions controlled.** The law provides that the board shall have exclusive management of the state prison (Stillwater), state reformatory (St. Cloud), state training school (Red Wing), school for the feeble-minded (Faribault), state hospitals and asy-

lums for the insane (Fergus Falls, Rochester, St. Peter, Anoka, Hastings, Willmar), state school for the blind (Faribault), state school for the deaf (Faribault), state public school for dependent children (Owatonna), state hospital for indigent, crippled, and deformed children (St. Paul), state hospital for inebriates (Willmar), state sanatorium for consumptives (State Sanatorium, Walker), home school for girls (Sauk Center), and state reformatory for women (Shakopee). The control of the board over these institutions includes the power to appoint the chief executive officer of each institution and to remove him, to control the finances, to fix salaries and wages not fixed by law, to make rules and regulations for the management of the institutions, and to erect buildings and purchase supplies.

2. **Business functions of the board.** The board has charge also of erecting buildings for the university, including the agricultural college and schools and the stations thereof, normal schools, the Soldiers' Home, the State Fair, and the county tuberculosis sanatoria. It also purchases fuel for these institutions, except the Soldiers' Home. It purchases supplies for the governmental departments of the state as well as for the institutions directly under its control, and it has charge of the fund, which provides insurance for state buildings. The manufacture and sale of binder twine and farm machinery at the prison, and the operation of the granite quarry and other industries at the reformatory also are included within its business functions.

3. **Parole and deportation.** The board also has extensive functions in connection with the parole and discharge of inmates of the State Training School for Boys and the Home School for Girls, and in connection with the parole and after-care of the insane. The member oldest in service is ex-officio chairman of the State Board of Parole for the State Reformatories and the State Prison. The board also provides for the deportation of non-resident insane, determines the legal residence of paupers, and inspects jails, lockups, poorhouses, and infirmaries, and approves plans for such institutions.

4. In 1917 the board's functions were considerably enlarged by the code of laws then enacted for the welfare of children. (See section on the Welfare of women and children.)

Finances. On June 30, 1920, the institutions under the general supervision of the Board had a total population of 10,738, including 6,099 insane, 1,742 feebleminded, 1,282 criminalistic, and 613 delinquent. The gross current expenditures for the year for all the institutions caring for these inmates was \$3,359,615, but earnings, receipts from sales, and receipts from maintenance of patients reduced this item to \$2,487,031 net, or approximately \$231 per capita. While the Board does a large business and handles a great deal of money in the aggregate, the actual cost to the taxpayer is much less than would appear. In the two years ending June 30, 1920, the Board did a business of about \$1,000,000 a

month, but most of this did not come from taxes. For the biennium 1921-1923, the Board is requesting \$8,527,625, or about \$4,264,000 per year. Only about three-fourths of this amount (\$6,232,000) is for current expenses, the remainder being for the purchase of land, construction of buildings, equipment, repairs, and miscellaneous. This amount is \$321,175 less than was asked for in 1919, and \$280,525 more than was appropriated at that time.

Legislation proposed. The Board is making very few recommendations for new legislation this year. It does, however, in its biennial report direct attention to the need of further legislation to handle "the growing problem of the care of the feebleminded." It also points to the need of creating the office of public guardian or administrator, who should, if practicable, be public defender as well. The Board also renews its recommendation "that the benefits of the compensation law be extended to the employees of the state."

References: Minnesota Laws relating to the State Board of Control (St. Paul), 1919; Tenth Biennial Report of the State Board of Control of Minnesota, 1920.

SECTION 11

WELFARE OF WOMEN AND CHILDREN

There is no single department of the state government entrusted with the enforcement and administration of the welfare laws for women and children. There is some consequent confusion and overlapping, but it has not proved serious in practice.

Compulsory education. The compulsory education law provides that every child between eight and sixteen years of age shall attend an approved public or private school in the district for the full term (not exceeding ten months) each year. The local school authorities are authorized to make exceptions in cases where the child's mental or bodily condition prevents school attendance or application to study, where the child has completed the eighth grade, and where there is no school within reasonable distance of the child's home, and in a few minor cases.

Child labor. No child under fourteen shall be employed or be permitted to work in any factory, mill, workshop, or mine, or in the construction of buildings. Furthermore, no child under fourteen may be employed at any sort of work during any part of the regular school term in the district, but a child between fourteen and sixteen "whose help may be required in any permitted occupation (e. g., farm work) in or about the home of his parent or guardian may be excused from attendance between April 1st and November 1st in any year; but this provision shall not apply to any cities of the first and second class." Only the local school authorities may make such special exemptions.

Children under sixteen may not be employed or permitted to work at any gainful occupation more than 48 hours in any one

week, nor more than 8 hours in any day, nor before 7 a. m., nor after 7 p. m. Certain dangerous employments are listed in the law in which no child under sixteen may be employed. No boy under eighteen may be employed as a messenger between 9 p. m. and 5 a. m. and no girl under twenty-one may be employed as a messenger at any time. There are other restrictions also upon the employment of minors, but there is no general prohibition against employment in the street trades.

It has been remarked that the compulsory education law is enforced primarily by the local school officials. The laws with regard to the employment of women and children are enforced by the state department of labor and industries through the staff of its Bureau of Women and Children. The organization of the department is discussed in another section (see p. 43). The Bureau of Women and Children was first set up within the department in 1909. It consists today of a superintendent, four inspectors, and a stenographer, all women. An incomplete survey made by the bureau in 1918 showed that of 51,000 women wage earners in the industries studied, over one-third received \$9 per week or less, and 37.5 per cent, received \$10 to \$14 per week. Of the whole number over 28,000 or more than 55 per cent contributed from the earnings to family support. In all 3,779 mothers among the 51,000 workers studied, or 7.5 per cent, were supporting 7,206 children wholly or in part from their earnings.

Proposed new legislation. The bureau plans to make the following recommendations to the legislature this year: 1. That the benefits of protective legislation for women be extended to all parts of the state equally; some of it applies now to first and second class cities only. 2. That girls working in hotels, elevators, and offices, now largely unprotected by law, shall have their hours of work regulated also. 3. That the number of hours which women may be required to work anywhere in the state, and in any line of work except domestic service, be limited to 8 hours per day and 48 hours per week. 4. That provision be made for an additional inspector. 5. That women inspectors be paid on the same basis as men, following the principal of equal pay for equal work.

Minimum wage law. In 1913 the legislature enacted a minimum wage law, the provisions of which are carried out by a commission of three, consisting of the commissioner of labor, an employer of women, to be appointed by the governor, and a woman, also appointed by the governor, who acts as secretary of the commission. This commission has power to investigate the wages paid to women and minors in the state, and must do so on petition of 100 persons engaged in any occupation where women and children are employed. To assist in such investigations, employers of women and children are required to keep records of the wages and hours of women and minors employed by them. After the investigation and hearings, the commission is empowered to set

the minimum wage for an occupation. Several orders have been issued by the commission fixing minimum wages in the industries on the basis of the cost of living. The latest of these orders establishes a standard wage for experienced women and minors employed in cities of 5,000 and over, at \$12.00 per week of 48 hours. Once the minimum wage has been set, it is a misdemeanor for any employer to pay less, and the employee is entitled to recover full wages.

Mothers' pensions, so called, are provided for widowed mothers under certain circumstances in order to assist them in the support of their children in wholesome family life. The primary obligation for the enforcement of this law rests upon the juvenile court in each county, which is a branch of the district court. The judge investigates each case brought to his notice, and either allows or refuses to allow the pension, which may not in any case exceed \$15 per month for the first child and \$10 per month for each additional child. When the court has entered an order for a pension the county must pay it, but the state has promised a refund of one-third to the counties. As required by law, the State Board of Control, acting through the Children's Bureau, co-operates with the judges in administering the law. The Bureau has been in constant touch with most of the judges who administer this law, has prepared a set of uniform blanks and has presented standards of administration for consideration. The county Child Welfare Boards have rendered special service in investigating applications for allowances.

Child welfare. (The following paragraphs are a portion of a statement prepared for this booklet by Mr. Wm. W. Hodson, Director of the Children's Bureau, State Board of Control.)

The obligation of the state, to afford care and protection to its handicapped children and those without proper supervision and guardianship, has long been recognized but its realization is a slow process of development. While the state has, for years, provided various types of institutional care for children, those in need of care outside institutions have not been so fortunate.

The legislature of 1917, acting upon the recommendations of the Child Welfare Commission, passed a large body of so-called child welfare laws, which centralized in the State Board of Control powers and duties in behalf of children. The Board established the Children's Bureau to administer the laws under the Board's general direction. It was wisely provided, however, that with centralization of responsibility should go decentralization of administration. Consequently, the law empowers the Board of Control to appoint Child Welfare Boards in those counties where such appointment is requested by the County Commissioners. In all counties, save the three largest, there are five members on the Welfare Board. The county superintendent of schools and a member of the county board chosen by that board, serve ex-officio, while three other members, two of whom must be women, are ap-

pointed by the Board of Control. There are fifty-nine Child Welfare Boards in the state at the present time and they have such general powers and duties as may be delegated to them by the State Board.

Before enumerating the types of work undertaken by these local boards, it may be well to outline the functions of the Children's Bureau, which are eight in number:

1. **Child placing agencies.** When a private child placing agency places a child in a home, with a view to leaving it there permanently, it reports the facts to the Children's Bureau for review as to the suitability of the home. If, upon investigation the home proves to be such a one as will provide proper care and upbringing for the child, it is approved, but, in the event that the home does not appear to be a suitable one, it is disapproved and the agency placing the child is requested to remove it.

2. **Adoption of children.** Petitions for adoptions are filed with the Clerk of the District Court and a copy is filed with the Children's Bureau, which makes a thorough investigation of the proposed foster home and parents and reports fully to the Judge of the District Court, who has complete jurisdiction of the proceedings. The same ends are sought as in the investigation of placed children, only in case of adoption, the Children's Bureau's function is to advise the court which has full power in disposing of the case.

3. **Feeble-minded persons.** Under the laws passed in 1917 persons who are found to be feeble-minded are no longer committed directly to the School for the Feeble-minded at Faribault, but to the general care and custody of the Board of Control, which has power to do for the patient whatever is best suited to the needs of the case. This may be institutional care or supervision of the patient in the community. Certain types of cases, notably those where there is promiscuous or dangerous sex conduct or where there is danger of reproduction, are given preference for institutional care. On the other hand patients who are not likely to harm themselves or the community can be put to useful employment under supervision.

4. **Unmarried mothers and their children.** The most difficult and delicate job which the Children's Bureau has, is that of providing proper protection and assistance to the unmarried mother and the child born out of wedlock. In general, there are five important things to be done. The expectant mother should have proper pre-confinement care; she should be confined in a hospital with adequate medical attention; she should have after-care while nursing her babe for the longest possible period; the paternity of the child should be definitely established, by legal proceedings in most cases; a plan should be worked out for her future and that of her child and some kind of friendly supervision provided until the period of stability is reached. The Bureau has been chiefly concerned, thus far, with the establishment of paternity of

children born out of wedlock and in securing adequate support and maintenance from the fathers of such children.

5. **Children in institutions.** In order that children in the custody of private institutions shall receive proper care, all institutions are subject to licensing and supervision. This also includes agencies which place children in family homes for adoption and, in addition, hospitals which receive patients for maternity care. The problem here is to work out such standards of care as will give the child in the institution a fair chance and approximate for him, so far as it is possible, the care he would receive in his own or a foster home. For the child placing agency, the problem is to provide properly trained persons who can find the right sort of foster homes for children who need them. For the maternity hospital, especially those ministering particularly to the unmarried mother, the problem is not only to provide the best possible nursing, medical and hospital care, but to establish well equipped social service departments which can extend help beyond the four walls of the hospital and mend social maladjustments. The problem of the Bureau is to co-operate with all of these institutions and agencies in the establishing and maintaining of the highest possible standards and to eliminate any which exploit the child for their own profit or through continued negligence and indifference.

6. **Protection of children.** The Board of Control is further charged with the responsibility for enforcing all laws for the protection of children. Under this law many cases involving delinquency, dependency and neglect of children have been investigated by the Bureau and suitable action taken.

7. **County child welfare boards.** Perhaps in the last analysis, the most important job which the Children's Bureau has, is in the selection of the personnel of Child Welfare Boards and in supervising the work of these Boards. The cases which they handle are all subject to the review of the Bureau which maintains a close contact with them at all times, in the way of offering advice and suggestions. The Bureau has five field representatives, who spend the greater part of their time meeting with the local Boards and discussing problems of organization, the laws and the best manner of handling difficult cases. A case supervisor reviews all the work done by the welfare boards, with the exception of that relating to the feeble-minded, which is cared for by a special supervisor.

From this review of the functions of the Children's Bureau it will be seen what, in general, are the duties of the Child Welfare Boards. The matters above mentioned, excepting the licensing and supervision of children's agencies and maternity hospitals, are referred to the Welfare Boards in the counties where the cases arise. The investigation is made and a report sent to the Children's Bureau as to the facts and the action taken, if any. The local boards do for the county what the Children's Bureau undertakes to do for the state. They are the county's official organizations for

the protection of children and should be alert to all the factors in the community which help or handicap the child.

Trained workers and intelligent citizens. The most pressing needs in all child welfare work are (1) trained service, and (2) an informed, intelligent citizenship which will set a high standard of public service and, by constructive criticism, eliminate the blight of habit, precedent and routine. The laws of Minnesota for the protection of children are a living body of statutes which require an understanding of the principles behind them if their purposes are to be fulfilled. It is, therefore, incumbent upon all who are interested in the conservation and development of child life to be informed and to take an active interest in the question of how far the ideals of the laws are being translated into concrete reality. **References:** *Compilation of the Laws of Minnesota relating to children*, Board of Control, St. Paul, 1919; *Proceedings of the First State Conference of Child Welfare Boards with the Board of Control*, 1919; *Biennial Reports of Department of Labor and Industries*.

SECTION 12

LABOR LAWS AND ADMINISTRATION

The work which the state is doing for the welfare of women and children in industry is touched upon in the preceding section. It remains only to speak of the department of labor and what is being done for labor in general.

The Department of Labor and Industries has grown from small beginnings in 1887 to be one of the important departments of the state government. The present number of employes in the department is 52, and the annual budget is \$90,799, of which amount \$20,000 each year must be used to maintain free employment bureaus. The commissioner who heads the department is appointed by the governor with the consent of the senate for a term of four years, at a salary of \$3,600 per year. All other employes and officers in the department are appointed following examination by a board of examiners, consisting of the commissioner and two other persons appointed by the governor. The department is divided into a bureau of statistics, a bureau of factory inspection, a bureau of women and children (discussed above), and a bureau of state free employment.

General functions. The functions of the department are entirely too numerous and various to be discussed at length here. It is required to "enforce all laws regulating the employment of minors and women, the protection of the health, lives, limbs and rights of the working classes, and those prescribing the qualifications of persons in trades and crafts, and shall be clothed with the same powers for the enforcement of the compulsory education and truancy laws" as were formerly conferred upon truant officers. To carry out these powers it is empowered to send its members and employes into factories, mills, work shops, warehouses, mercantile

establishments, offices, and other places where persons are employed, and such officers or employes may remain there as long as their official duties require it. Members of the department have power to subpoena witnesses and conduct investigations and to give directions concerning the enforcement of the labor laws. It should be said that the statutes provide in great detail for the safety devices which must be provided by railroads, foundries, factories, and mills, and in connection with elevators, hoists, corn shredders, scaffolds, and so on. There are further provisions as to the ventilation and sanitation of all places in which persons are employed, and as to providing wash stands and toilets as well as seats for women where they are employed. Besides the women inspectors mentioned elsewhere, there are ten or more men engaged nearly all the time in inspecting railroads, elevators, and factories.

Free employment. The bureau of free employment has established three employment bureaus in Minneapolis, St. Paul, and Duluth, and there is provision in the law for one also at Winona and another in the northwestern part of the state. Since 1915 a special division established to find employment for the deaf has been doing effective work.

Workmen's compensation. One of the most important branches of the labor law of the state is that which relates to the compensation of workmen who are injured. This portion of the law was adopted in 1913 in order to do social justice to workmen and their families. Under the old law the employer could set up so many defenses as to the negligence of the injured employe or of some fellow employe and as to the assumption of risk, that the employe often failed to recover anything. The new law applies to all employments except those of persons employed by steam railroads which are common carriers, who are covered by a federal employer's liability law, and excepting also domestic servants, farm laborers, and persons in purely casual employments. Among the employments which do come under the law may be mentioned the following: factories, mills, foundries, work shops, railroads which are not common carriers, express companies, dock companies, creameries, logging companies, and counties and municipalities and school districts in the employment of firemen, policemen, school teachers, and other usual employes.

Summary of law. The law is in two parts. The first part covers all employers who do not elect to take advantage of the second part. In case any employer fails to elect to come under part 2 of the act, he loses the right to the usual defenses that the injured employe or his fellow employe was negligent or that he had assumed the risk of the business. Every employer and every employe who does not give notice to the contrary is presumed to have elected to come under part 2, which provides that every employer shall in case of the injury or death of an employe give compensation to him or his dependents according to the schedule of compensation fixed in the law, without regard to the question of

negligence, except where the injury is wilfully self-inflicted or the result of intoxication. The law specifies the payments for each type of injury, as for example, "for the loss of a hand, sixty-six and two-thirds per centum of daily wages during one hundred and fifty (150) weeks." The maximum compensation in any case shall not exceed \$5,000.

Private insurance; court administration. In order to protect themselves, employers are permitted to insure their businesses with private insurance companies which have conformed to the terms of the law. In case the employer so elects, he may permit the insurance company to make settlements directly with injured employes. The interested parties, that is to say the employe or his dependents and heirs on the one side, and the employer or the insurance company on the other, are to make all settlements under the law directly between themselves, but each settlement must be approved by the district court. Organized labor has made objection both to the private insurance company feature and to the court administration feature of the law. They have insisted upon the state doing the insuring through a state insurance fund, on the ground that private insurance companies drive hard bargains with injured employes and thus really defeat the purpose of the law. They object to having the courts administer the law because it puts the injured employe at a disadvantage. As a substitute they have urged that the state department of labor be given the right to approve settlements without the interference of the courts. A step in this direction was taken when the legislature in 1915 authorized the commissioner of labor and his assistants to hear and adjust compensation disputes informally, and to represent either party to such a dispute in court. In the year ending June 30, 1920, the department handled 3,221 cases of this kind, giving advice and assistance to that number of injured employes. Special *ad interim* committees of the legislature have been studying the problem of workmen's compensation during the past year, and it is said that they will report to the 1921 legislature in favor of a state commission to handle compensation cases in place of the courts, but that they will oppose the creation of a state insurance fund. This may involve a complete reorganization of the department of labor, and the creation of a state industrial commission.

References: Labor Laws of Minnesota, revised to 1919; Biennial Reports of Department of Labor and Industries.

SECTION 13

PUBLIC HEALTH AND PURE FOOD

Public health work. The protection of the public health is one of the primary functions of the state government. Whether it shall exercise its powers directly or delegate them to the local communities is entirely a matter of policy. As a matter of fact, most of the states began by leaving the matter entirely to the municipalities and they all leave a great deal of power over health matters to

the local authorities today. However, as population has increased and become more dense, and as medical science has advanced, the necessity and the value of state activity in this field has become evident. In 1872 Minnesota established a state board of health; it was the third state in the Union to do so. The work of the board has increased, improved, and advanced until today the State Board of Health and Vital Statistics is one of the important branches of the state government.

The Board consists of nine members "learned in sanitary science" who are appointed by the governor for terms of three years each. The terms of three members terminate each year in January. The Board has four regular meetings and may have any number of special meetings each year. A secretary, who is elected by the Board and serves during its pleasure, is the chief executive officer.

Powers and functions. The law provides that "the board shall exercise general supervision over all health officers and boards" in the counties, towns, villages, and cities, "take cognizance of the interests of health and life among the people, investigate sanitary conditions, learn the cause and source of diseases and epidemics, observe the effect upon human health of localities and employments, and gather and diffuse proper information upon all subjects to which its duties relate. It shall gather, collate, and publish medical and vital statistics of general value, and advise all state officials and boards in hygienic and medical matters—especially those involved in the proper location, construction, sewerage, and administration of prisons, hospitals, asylums, and other public institutions." To carry out its important police powers, "the board may adopt, alter, and enforce reasonable regulations, of permanent application throughout the whole or any portion of the state, or for specified periods in parts thereof, for the preservation of the public health," and such regulations, when approved by the attorney general, "shall have the force of law except in so far as they may conflict with a statute or with the charter or ordinances of a city of the first class upon the same subject."

Local health authorities. Every town board is the board of health for the township, and villages and cities are also supposed to provide themselves with local boards of health. If any city fails to set up a local board of health, the state board may appoint one and charge its expenses to the city. All local boards of health in any county are required to co-operate with each other, and are further required "to make such investigations and reports, and obey such directions concerning communicable diseases, as the state board may require or give; and, under the general supervision of the state board, they shall cause all laws and regulations relating to the public health to be obeyed and enforced." It is a misdemeanor for any local health official to refuse or neglect to comply with these provisions of the law.

Special powers and organization. Thus far only the more general provisions of the law establishing the powers of the State Board

have been quoted. There are a number of more specific clauses, also, giving the Board power to control and to license certain offensive businesses, to regulate the disposal of sewage and to prohibit the pollution of streams and other waters, and so on, but enough has been said to indicate the scope and variety of the Board's powers. For the better administration of its work, the staff has been divided into the following six divisions: records, vital statistics, tuberculosis, preventable diseases, venereal diseases, and sanitation, and there is also a superintendent of nurses, and an educational agent.

Health regulations. A perusal of the regulations which have been adopted by the Board gives an even more extended and at the same time a different view of the Board's interests and activities. Here the functions of the Board as a supervisor of the activities of physicians and of local health authorities come more clearly into light. There are definite rules as to the recording and reporting of births and deaths, as to the disposal of the dead, as to the location of offensive trades and industries, as to the disposal of garbage and other waste products, as to the sanitation of lodging houses, the treatment of persons suffering from communicable diseases, and so on.

Work and needs. Some idea of the actual work being done by the Board is given by the items of appropriation for the current year: Maintenance, \$17,772; recording vital statistics, \$10,000; dealing with preventable diseases, \$25,000; expenses of laboratories, \$30,000; providing free anti-toxin, \$10,000; conducting Pasteur institutes, \$11,435; sanitary engineering work, \$7,000; prevention of blindness, \$1,000; dealing with infantile paralysis, \$5,000; dealing with venereal diseases, \$30,000; miscellaneous, \$500; total, \$147,707. For the coming biennium the Board is reported to have asked for considerably increased appropriations to take care of increased costs of operation and the steady expansion of the department's work.

Dairy and food departments. Standing between the Department of Agriculture on the one side and the State Board of Health and Vital Statistics on the other, is the state Dairy and Food Department, headed by a commissioner who is appointed by the governor for a two-year term at a salary of \$3,000 per year. It is the function of this officer to enforce the laws designed to prevent fraud and deception in the manufacture and sale of food and drink, and the several ingredients thereof, but in addition he is required to enforce the laws as to pure paints, stock feeds, and cigarettes, as to insecticides, and as to fraudulent advertising. Indeed, there is a considerable variety of laws which now require his attention. Governor Burnquist also appointed the commissioner to be state inspector of illuminating oils. One of the primary purposes in the creation of the department, however, was to provide for such inspection of the dairies and creameries of the state as would benefit the industry by making Minnesota butter and cheese standard and acceptable wherever good dairy products are in demand. The commissioner himself is required to be a practical dairyman. In his staff

in 1919 there were nine creamery inspectors, one cheese factory inspector, and three dairy barn inspectors. There were also five food inspectors, and three chemists, besides a small office staff. The code of laws on the dairying business and on the manufacture and sale of foods, including the pure food law, is too long to be explained here.

References: Minnesota State Health Laws and Regulations, State Board of Health, 1917; Biennial Reports, State Board of Health, Biennial Reports, Dairy and Food Commissioner.

SECTION 14

AGRICULTURE AND THE HIGH COST OF LIVING

Department of agriculture. It may appear to be a strange thing that a splendid agricultural state like Minnesota should have existed for sixty years before the creation of a state department of agriculture, but such is the case. The department of agriculture was created by law in 1919. It must not be understood from this, however, that Minnesota had up to this time neglected the agricultural interests of the state. The state had previously supported a state agricultural society and other state societies, had aided county societies, had established and supported agricultural education, had regulated railroads in the interests of the farmers, had provided laws for co-operation among farmers, the drainage of agricultural lands, and the inspection of seeds, and had in many other ways promoted the interests of agriculture. The creation of the department of agriculture gives evidence of the rapidly growing consciousness among agriculturists of their common interests, and their insistence upon having the state government do for them what it is doing for other groups of people. The department is headed by a commissioner of agriculture who is appointed by the governor for a term of four years at a salary of \$4,500 per year, and there is provision for a deputy commissioner at \$3,000, and for certain other assistance. The original appropriation was only \$60,000 for two years, but as the department grows in strength its staff and its funds will undoubtedly increase also.

Powers. The powers and duties conferred upon the department are numerous and important, but running through all there is the purpose of promoting the business end of agriculture, particularly through the improvement of marketing methods, and of getting the products of the farm to the consumer as directly and as cheaply as possible. In other words there is the two-fold aim of increasing the farmer's return and at the same time of reducing the cost of living. The commissioner of agriculture is empowered to "encourage and promote the development of agricultural industries, investigate marketing conditions affecting the marketing of farm products, and assist farmers, producers and consumers in the organization and management of co-operative enterprises and the co-operative marketing of farm products," to "collect, compile and

supply statistics and information in regard to the agricultural products of the state and agricultural industries" and to take a farm census every two years, to co-operate with other authorities in promoting the development of the agricultural resources of Minnesota, to "provide for the inspection and grading . . . of eggs, fruits, potatoes, vegetables and other farm products, except grain, hay, straw and livestock," and to provide for certification of products inspected, to establish potato grades annually, and finally "to receive complaints against any parties dealing in, shipping or selling farm produce except grain, hay and straw, and livestock," to investigate such complaints to ascertain whether any law has been violated (especially the anti-trust law and the laws as to shipping and storage), and to commence actions if any violation of law is found. Commission merchants and brokers are to be licensed by the commissioner, and he may revoke their licenses in certain cases.

High cost of living. In the special session of 1919 the Commissioner was given special power to investigate the prices of a whole series of the necessities of life, such as food, clothing, shoes, building materials, to publish reports of such investigations, and to enforce any laws relating to the sale of such necessities, with the aim of forcing down the cost of living. The department has already published a series of bulletins of considerable value relative to the cost of milk, sugar, fuel, bread, clothing, boots and shoes, building material, and other items in the cost of living.

Farmers' co-operative companies. The laws of the state have for many years authorized the formation of farmers' co-operative companies, and the farmers of the state have shown exceptional ability in organizing and managing their co-operatives. Consequently, Minnesota leads all others states in the number of co-operative companies, with Wisconsin second, and Iowa third. In 1917 there were 2,950 such organizations in the state, including 643 co-operative creameries, 360 elevators, 400 livestock shipping associations, 52 cheese factories, 102 stores, 159 insurance companies, 950 telephone companies, and 290 miscellaneous. Nevertheless the farmer is not yet able to control the marketing of his products as fully as he desires, and he is still to some extent at the mercy of middlemen, particularly at the great terminals.

Farm bureau program. In the last few years a great farmers' organization, called the Minnesota Farm Bureau Federation, a branch of the national farm bureau federation, has been formed to promote a better rural life and improved marketing facilities. Among other demands which this organization has formulated as its legislative program are the following: 1. That existing terminal exchanges in Minnesota which deal in farm products be required by law to give membership privileges to farmers' co-operative selling organizations. 2. That the state provide for giving full and prompt publicity to market quotations, to the quantities of products on hand, to the facts as to transportation facilities, etc. 3. That the cold storage laws be improved. 4. That the develop-

ment of northern Minnesota be carried on under conditions which will protect the land-buyer from fraud and encourage him in his pioneer efforts. 5. That state aid for rural education be increased. 6. That highways be improved. 7. That a system of rural credits be established. 8. That the supply of farm labor be stabilized. 9. That the land leasing laws be improved with a view to giving the tenant a permanent interest in the farm he leases. 10. That courts be established to settle in summary fashion questions "relative to practices and profits involved in the buying and selling of the necessities of life." This general program has been approved by a number of legislators, and much of it will undoubtedly be enacted into law at the present session.

References: First Biennial Report, State Department of Agriculture, for 1919-20; Farmers' Co-operation in Minnesota, 1913-1917, J. D. Black and Frank Robotka, Agricultural Experiment Station, University Farm, St. Paul.

SECTION 15

THE CONSERVATION AND DEVELOPMENT OF RESOURCES

Conservation defined. The conservation of resources is primarily a function of the state; the federal government has no power conferred upon it in this field except in connection with lands which it owns. By conservation will be understood not merely the keeping of our natural resources in their original status, for indeed that is impossible, but rather their utilization for the public benefit under such rules and regulations as will prevent their complete destruction and as far as possible their diminution. We owe a debt to future generations to husband well the still great natural resources of the state.

Land area of Minnesota. When Minnesota became a state, the land area belonged in part to the Indians, in part to the federal government, in part it was granted to the state for the building of railroads and the support of public works and institutions, and a considerable area had already passed into the hands of private owners. Since that day the Indians have generally lost title to the land, and are quartered on reservations; the state has received considerable additional grants from the federal government; much more has passed into private hands; but the federal government has still a considerable area of land in the northeastern part of the state. It is estimated that there are fully 25,000,000 acres of unimproved land in the state, but much of this will never be tillable. Without a soil survey, no definite figures can be given. Over six million acres of state-owned land have been disposed of, and the proceeds have been put into state trust funds for the use of the schools, the university, and internal improvements; but the state still owns nearly two million acres of land, some of it filled with valuable ore, some of it covered with timber, and other parts of it cut-over land

and swamp land. Besides these things the wild game of the state, and the fish in the lakes, as well as ore deposits under the lakes, are truly part of the state domain.

No department of public domain. What is Minnesota doing for the conservation and development of its resources, both publicly and privately owned? No man living has the necessary knowledge to enable him to write intimately of this great subject. No man is in touch with all of the state's activities in this field, for there is not one but a number of departments handling the work. It is true that a department of state domain has been proposed, but even this is understood to be for the purpose of dealing with only the state-owned resources. Besides the auditor's office, and the department of agriculture, which have been touched upon elsewhere, it is necessary to treat here of the Bureau of Immigration, the Department of Drainage and Waters, the Game and Fish Department, and the State Forestry Board.

The Auditor. It has been pointed out elsewhere that the auditor is empowered by law to "have general supervision of all lands owned by the state, or in which the state is interested as trustee or otherwise, and of the leasing, sale, or other disposition thereof." "He shall keep a record of all parcels of land leased or sold, and the quantity of each, all timber or other products sold therefrom, the moneys received therefor as principal and as interest, and the persons paying the same, and shall credit all such payments to the proper funds." School and university lands may not be sold for less than \$5 per acre, and swamp lands at not less than \$3.67, and not more than 100,000 acres of school land may be sold in any one year. The constitution provides that the school lands must be sold at public sale, and that the lands of greatest valuation shall be sold first. In the absence of a complete soil survey, it is impossible to know what lands are most valuable. The law provides for an appraisal by three disinterested persons, one appointed by the auditor, one by the governor, and one by the county board of the county in which the lands lie. When appraised the lands are sold in lots of forty acres at publicly announced auctions at the county seat in which the lands are situated, and they will not be sold for less than the appraised price, and in no case for less than the price fixed by law. In certain of the northern counties there is a regular monthly sale of lands at the county seat. Some of these counties are today much hampered in making public improvements by reason of the fact that there is so much state land within their limits which pays no taxes. The terms of sale are liberal: 15 per cent down, and the balance in 40 years, with interest at 4 per cent per annum. With every sale the state "reserves for its own use all the iron, coal, copper, gold and other valuable minerals, and all water powers in or upon all lands" which it sells from the state domain.

Timber, hay and ore. Timber standing upon the state lands is sold at public auction at the county seat. Some lands are leased

to persons interested in cutting the annual hay crop. The state owns 40,000 acres of ore-bearing lands in the Mesaba, Cuyuna, and Vermilion iron ranges, and it is estimated that these lands contain at least 168,000,000 tons of marketable high-grade ore. Some of these lands are under lease to iron mining companies, which pay the state 25 cents per ton for the ore removed. No leases have been made since 1907, when the leasing law was repealed due to a belief that the state was not getting the true value of the ore. Experts have estimated that 50 cents a ton would be more nearly the correct value, but have urged that a sliding scale be adopted whereby the ore shall be paid for on the basis of its iron content and the ease with which it can be mined, and under conditions which will prevent any waste of the low grade ores.

Permanent funds. All receipts from the sale of lands and timber, and from royalties paid under mining leases, go into the proper permanent school, university, and other funds of the state, and the money is invested in interest bearing bonds of the United States, of the states, and of the counties and municipalities of the state. Only the income is used for current expenses, and in this way the great funds are permitted to grow and are conserved for future generations. While there have been many mistakes in administration, Minnesota has on the whole one of the proudest records to be found among the states in the matter of conserving the grants of lands which have been made by the federal government.

Department of agriculture, and bureau of immigration. The functions of the Department of Agriculture in promoting the agricultural welfare of the state have been mentioned. The Bureau of Immigration consists of a Board of Immigration, a commissioner appointed by the Board at a salary of \$3,000 per year, and a small staff. The Board consists of the governor, secretary of state, auditor, and two other members appointed by them. According to the statute, "the duties of said board of immigration, so far as practicable, shall be to collect and arrange statistics and other information in reference to the lands and general and special resources of the state of Minnesota, and the advantages of this state as a place of residence; to spread knowledge of the same throughout the civilized world by correspondence, by messengers and public lectures and by all forms of legitimate advertising; to facilitate the immigration of such persons of good moral character as may desire a change of domicile, and to answer all inquiries from persons residing within the state, upon the subjects aforesaid." It is also required to assist in the advertising and disposal of the public lands. It has no police power to prevent improper persons from settling in the state, nor any power to Americanize any who come here from foreign countries. There is no official connection between it and the federal bureau of immigration.

Department of drainage and waters. Of the more than fifty million acres comprising the total area of Minnesota, there are

many thousands of acres of lakes, and some millions of acres of swamp and overflowed lands. The state has received by federal grant nearly five million acres of swamp land, and it still owns considerably over a million acres of this land. These lands may be sold at one-third less than the minimum price for school lands, and the proceeds of the sales go half to the school fund and half to the charitable and educational institutions of the state. In order to make the state swamp lands tillable, the legislature in 1905 made provision for a swamp-land survey, and in 1907 there was further legislation providing for the commencement of actual drainage work. A drainage commission was created to direct the establishment of drainage ditches, and during the next four years a great deal of work was done. The members of the commission, the governor, secretary of state, and auditor, soon found the burden of work too heavy in addition to their other duties, and the legislature in 1919 created in place of the commission a Department of Drainage and Waters, headed by a commissioner who is appointed by the governor at a salary of \$4,000 per year. He is charged with the construction of all "state" drainage ditches and is further authorized to investigate all watersheds in the state with a view to recommending plans for proper drainage and flood control. Upon request he examines and criticizes all plans for local drainage work, he prepares a code of advisory regulations for engineers and county officers, grants licenses for dams in ditches, and files the maps and plats of all drainage projects in the state. His office is therefore the source of information concerning all state drainage work. One of the most important investigations which has yet been carried on by his staff was the study of the Minnesota river valley with a view to flood control. A very comprehensive plan has been worked out.

Forestry and forest fire protection. The Minnesota State Forestry Board consists of nine persons, including the director of the forestry school and the dean of the agricultural college of the university, and seven other persons appointed by the governor for terms of four years. The board does its principal work through a trained State Forester whom it appoints and who receives a salary of \$4,000 per year. The principal work of the forest service consists in policing the forested parts of the state, and particularly the state-owned forests, with a view to preventing forest fires. In addition, however, Itasca State Park, and Burntside State Forest, come under its jurisdiction, and it is able to do a small amount of replanting in cut-over areas of state-owned land.

Originally almost one-half of the area of the state was covered, with a heavy growth of coniferous timber. Today the area of virgin forest is very greatly reduced and rapidly disappearing. As yet the state has not worked out an adequate forest policy, but has contented itself with providing laws against the setting of fires, for the destruction of slashings, and for the provision of fire-breaks and a fire-fighting force. More recent legislation has increased the powers of township authorities to co-operate in fire control.

Among the more important recommendations made by the Board to the legislature now in session are the following: 1, increased appropriations for the service, primarily to strengthen the staff of patrolmen; 2, a more extensive practice of forest planting; 3, the consolidation of state forests into larger units, if necessary by the purchase of tracts not suitable for agriculture which now separate state-owned parcels, for there are literally millions of acres of land in Minnesota which will raise good forests but which cannot be profitably devoted to farming; 4, a cessation of the draining of peat swamps, for they have been found to be among the worst of fire menaces; 5, a law for the reversion to the state of forest lands which have been on the delinquent tax rolls for three years.

Game and fish. The State Game and Fish Department is headed by a commissioner who is appointed for a term of four years by the governor. As the state grows in population and the number of tourists increases, the difficulty of protecting the wild game resources becomes proportionately greater. It is the function of the department to co-ordinate and to employ all agencies which tend to arrest the destruction of the desirable species of game and fish, or which serve to upbuild and replenish these resources. To these ends the department has extensive powers to maintain fish hatcheries and to stock waters with fish, to set aside game reserves, to destroy undesirable varieties of game, and to enforce the laws against the wanton and unlawful killing of game birds and animals or taking of game fish.

The whole game and fish code was revised and re-enacted at the session of 1919. The law now provides that "the ownership of wild animals so far as they are capable of ownership, is hereby declared to be in the state, not as a proprietor, but in its sovereign capacity as the representative and for the benefit of all its people in common." There follow certain definite provisions as to what species of game and fish may be taken or killed, at what times of the year, and in what numbers. A great deal of the actual work of the department is done by the game wardens in enforcing these laws. In the year 1917-18 there were 1265 prosecutions for violation of the law and 1198 convictions. Among other activities of the department are the propagation of game birds, the stocking of waters with fish, the maintenance of game refuges, the investigation of the lives and habits of game, and the regulation of commercial fishing.

References: Biennial Reports of the Auditor, the Bureau of Immigration, the Department of Drainage and Waters, the State Forestry Board, and the Game and Fish Department.

SECTION 16

TRANSPORTATION AND HIGHWAYS

Transportation. The great instrumentalities of transportation within the state are the railways, interurban electric railways, and the highway system. Supplementing them are the great means of

communication, the telephone and the telegraph systems. The post-office is exclusively under federal control. River and lakes transportation systems supplement the railroads in connecting Minnesota with the outside world. If the Great Lakes-Tidewater plans are carried out, ocean liners and freighters may some day be docking at Duluth.

Need of railroad regulation. Minnesota has been one of the leaders in bringing the railroads under public governmental control. These great transportation companies ceased long ago to be materially influenced by the competitive forces which keep the prices and services of the small town store more or less under control. Without regulation by the government, the railroads charged excessive rates, gave special favors to some individuals, companies, and communities, and discriminated against others. Farmers and manufacturers lost much of the value of their products due to an expensive and faulty transportation system. In the seventies the state assumed some control over the railroads, and this control has continued and expanded down to the present time, a period of fifty years.

Railroad and warehouse commission. The present Railroad and Warehouse Commission consists of three members, elected one every two years for periods of six years at a salary of \$4,500 per year each. Railroads, express companies, freight lines, sleeping car companies, and other common carriers, are required by law to give safe and adequate service to the public within the state at reasonable rates without discrimination. It is one of the numerous duties imposed upon the commission to enforce this law, and it does so by fixing rates, time schedules, and service standards either upon complaint by a citizen or upon its own motion. It has power to order the separation of grades at railroad crossings, the installation of track scales, sidings, stations, safety appliances, warning signs and signals, fences, and so on. Besides these powers, it has supervision over the rates and service of telephone companies, warehouses, and public stock yards. Through the grain inspection department it grades all grain sold in the state according to the federal standards, registers all grain in storage, inspects warehouses and elevators, tests and seals track scales and local elevator scales, inspects hay and straw, weighs all coal sold in car-lots, and does many other things. Through the department of weights and measures, also under the commission, it enforces the state laws as to weights and measures, examining many weighing and measuring appliances in the course of a single year and incidentally condemning not a few. To carry on these important public functions, of which only a part have been mentioned, the commission employs, according to a report issued in 1917, about 400 people, of whom about 330 are in the grain inspection service. The cost of the department to the taxpayer is relatively small, since there is a large income from the fees for grain inspection.

The federal interstate commerce commission has recently ordered the railroads to charge higher passenger rates within the

state of Minnesota than the state law allows. The attorney-general is reported as intending to contest this action in the federal courts.

The highway system. Supplementing the railroad system are the thousands of miles of township, county and state roads which reach into every part of the state. The marvelous development of the automobile industry, the development of motor trucks, and the partial break-down of the railroad system during the war have only served to enhance our appreciation of the importance of the highway system. Even the federal government has come to see the need of good roads and is spending nearly \$100,000,000 each year to help in road building in states where the local authorities will co-operate with it in paying for the roads. The improvement of the highways will mean a development of motor truck traffic on a large scale, a lowering of the cost of living, the bringing of all the people closer to the educational institutions of the state, the improvement of health work, and a closer relationship and better understanding between city and country, and between the northern and southern, eastern and western portions of the state.

Past road work in Minnesota. The state constitution was drawn up at a time when state authorities were not trusted to spend large sums of money on public works. The constitution contains a clause, therefore, which provides that "The state shall never contract any debts for works of internal improvement, or be a party in carrying on such works," except in certain cases. This was construed to prohibit the state from building state roads. For years all road work in the state had to be performed by counties, townships, cities, and villages. In 1898 the constitution was amended to permit a small tax levy by the state for road and bridge purposes, but the tax authorized was so small, and the expenditure of it so hemmed in by restrictions that little could be done. Other amendments followed, until by 1912 the legislature had the power to levy a one mill tax to be distributed among the several counties to support the work of building and maintaining roads. The road work was still performed under the counties and townships, however; the state aided the work and supervised it in order to keep it up to fixed standards, but did not really build the roads itself. This is still the plan.

Trunk highway amendment. With the tremendous growth of automobile traffic the need arose for a genuine state road system. The counties were being forced to spend most of their road money on certain trunk highways or "trails" almost to the exclusion of other work. At this juncture the 1919 legislature proposed the "trunk highways amendment," also called the "Babcock amendment," to create a state trunk highway system; and this amendment was given a hearty ratification by the voters in the November, 1920, election. One of the most important problems before the 1921 legislature is the enactment of legislation to carry out the new provision. In brief, the amendment creates a state trunk highways system, comprising seventy specified routes and certain

additional routes, making in all about 7,000 miles, and such other routes as the legislature may designate after 75 per cent of the designated roads have been permanently improved. These roads reach every county seat and large community in the state. The state is authorized to improve and maintain these roads directly at state expense, a new departure for Minnesota. To finance this great project the legislature is authorized "to provide, by law, for the taxation of motor vehicles, using the public streets and highways of this state, on a more onerous basis than other personal property," and it is also authorized to borrow not to exceed \$10,000,000 in any year, with the proviso that not over \$75,000,000 in these bonds shall be outstanding at any time.

Needed legislation. The plan is to tax automobiles on the basis of their value, weight, and horse-power, in such a way as to make the average tax about \$18, and the total income about \$6,000,000, per year. Just how this money shall be spent at first, how much upon maintenance and how much on new construction, in what order the roads shall be constructed and of what materials, to what extent there shall be an attempt to retain natural scenic beauty along our highways, whether there shall be one man or a commission of three or five to administer the work, and various other important questions will have to be decided at the present session of the legislature. The present highways department is headed by a single commissioner, and there is a strong feeling among some legislators that this is the proper organization to handle the work. **References:** Biennial Reports, Railroad and Warehouse Commission; Minnesota Road Laws, published by Secretary of State, 1917; Minnesota Constitution (1920 edition), arts. 9, 16.

SECTION 17

THE REGULATION OF BUSINESS

Business needs control. At various points in this pamphlet it has been pointed out how the economic and industrial conditions of modern times make it imperative for the government to regulate business in the interest of the whole people. Travellers and shippers of goods need protection against the great railroad and express companies, workmen require the intervention of the government to make factories safe and sanitary, depositors are not secure unless the government exercises a strict control over banking operation, investors are always in danger of fraud from stock salesmen, and so on through the various operations of business. The state of Minnesota stands high among the states in the matter of sound laws for the control of business.

The department of banking was created in 1909 to "have charge of the execution of all laws relating to state banks, savings banks, trust companies, building and loan associations and other financial corporations, chartered under the laws of Minnesota and the business thereof." The department is headed by a superintendent of banks appointed by the governor with the consent of the senate for a term of three years. He must be a practical banker of

five years' experience. His salary is \$4,500 a year. Under him are a deputy examiner and a considerable number of examiners, assistant examiners, clerks, and stenographers who are appointed by him. The state is divided into districts for purposes of bank examination. Twice each year all state banks and other financial institutions under the department's supervision must undergo an examination of their affairs. If any such institution is found in an unsound condition, or is found to be ignoring any state laws, the department has power to call it to account or to take more drastic action even to closing its doors or suspending its operations. In the year ending June 30, 1920, with 1,151 state banks, 9 savings banks, and 24 trust companies under its supervision, the department reported not a single bank failure. All applications for the organization of new state banks must also be approved by the department. In the last fiscal year there were 116 applications, of which 58 were granted, 46 denied, and 12 withdrawn.

The department of insurance was created in 1911 for the purpose of enforcing the state insurance laws. The commissioner of insurance, who heads the department, is appointed by the governor with the consent of the senate for a term of two years at a salary of \$4,500 per year. He appoints a deputy commissioner, an actuary, a chief examiner, and various assistant examiners, clerks, stenographers and other employees to the number of about twenty. It is the function of this department to examine into the affairs of insurance companies doing business in Minnesota and to revoke their authority in case they are found to be in an unsound condition. A detailed analysis of its numerous special duties is impossible here.

The state fire marshal was, by the laws of 1919, made subject to appointment by the insurance commissioner. It is the duty of this officer and his assistants to enforce the laws as to fire prevention, the storage, sale and use of combustibles and explosives, the means and adequacy of exits, in case of fire, from churches, schools, halls, theatres, and similar places, the suppression of arson, and the investigations of the case, origin, and circumstances of fires. Local officials are required to report all important fires to the state fire marshal, who keeps a record thereof, and in case of need makes a further investigation of the fire personally or through a deputy fire marshal. Any building which is a fire hazard may be ordered altered or destroyed by the marshal. In an average year, 1918, there were 241 condemnations of buildings. The law is very specific as to the construction of moving picture theatres and the operation of moving picture machines. In prosecuting cases of violation of the fire laws the marshal has the assistance of the attorney general's office.

The state securities commission was created in 1917 for the purpose of preventing fraud in the sale of stocks, bonds, and other securities within the state. It had become too easy for promoters to capitalize "the blue sky" or imaginary oil wells and gold mines

in distant states and to defraud the people of hard-earned savings by selling them shares in their doubtful enterprises. The commission consists of the state public examiner, the commission of insurance, the superintendent of banks, and an assistant attorney general. These men appoint an executive officer at a salary of \$3,000 per year who does the active work of investigating stock promotions and licensing stock and bond salesmen. No investment company may sell securities in Minnesota unless duly licensed by the securities commission. To secure a license the company must comply with the law, pay a fee, and comply with the conditions laid down by the commission. Among other things the commission may limit the price at which securities may be sold, fix the maximum amount which the promoters may take for their services, and require such information as will establish a reasonable certainty as to the honesty of the enterprise. Naturally many applications for licenses have to be refused, and from time to time it is necessary to prosecute unlicensed salesmen and companies. The commission cannot, of course, guarantee that on one will lose money on his investments, but it does succeed in preventing much fraud.

References: Annual Reports of Department of Banking, Department of Insurance, State Fire Marshal, and State Securities Commission.

SECTION 18

THE STATE FINANCES

Cost of government rising. The cost of government has gone up along with the cost of living; government is, after all, a most important part of our common life. Looked at from any angle, the state expenses are increasing. In 1880 the state's population was 780,000 and the expenditures of the state government were about \$1,100,000, or under \$1.50 per capita. In 1908 with the population about 2,000,000, the state expenditures were \$7,626,000, or nearly \$4.00 per capita. In 1918, with a population of 2,300,000, the net expenditures had risen to \$19,154,000. In the biennium 1919-1921 the expenses were still higher, and the requests for 1921-1923 are nearly 30 per cent over the appropriations for 1919-1921. Besides all this, the soldiers' bonus money must yet be raised, and a trunk highway system will have to be built and paid for.

Increases explained. But is it all unreasonable that expenses should increase so rapidly? Let us remember some of the facts. (1) The federal expenses, and the expenses of some of our cities, have increased even more rapidly since 1916. (2) The purchasing power of the dollar is very small as compared with 1916. Most of our private budgets are nearly twice what they were in that year. (3) The state had some extraordinary and unavoidable war expenses, i. e., to support the public safety commission, and had to make large appropriations for fire relief work. (4) Because of urgent war needs, the work of some departments was held back. They are now merely trying to catch up. (5) The uni-

versity, which is one of the chief claimants for new appropriations, has been swamped with the inrush of new students. (6) Several new departments have been added, as for example the department of agriculture. (7) From both new and old departments we are demanding more and better service, and we are getting it. We must pay for what we get.

Efficient spending is required. The solution of the financial problem is not, therefore, a blind slashing of appropriations. Rather, we must support adequately all departments which are doing useful public work, but at the same time we must firmly and insistently demand economy in the expenditures. Furthermore, if we are indeed now passing the peak of high prices, then two years hence we may properly insist upon some actual reductions in department requests. In the meantime something can be done. Minnesota does not yet have a budget system; a law to create a budget was passed in 1915, but it has not proved effective. Perhaps the legislature can be induced this year to provide a new and adequate law. Undoubtedly some small saving might also be made by continuing the work of reorganizing and regrouping the departments, to eliminate unnecessary offices and overlapping of functions, if any exist. Perhaps, too, the application of the merit system to the state civil service as proposed by the Efficiency and Economy Commission in 1914, would bring about some savings. It is along such lines as these that other states are moving towards a more efficient and economical administration of the government.

Readjusting the tax burden. Finally, the people may be reconciled to increased expenditures if some readjustments can be made in the burden of taxation. There is a widespread belief that property carries too much of the load, and that other subjects of taxation should be found. The state revenues in 1918 came from the following sources:

General property tax.....	\$ 6,903,024.62
Railroad gross earnings tax.....	6,237,571.39
Telephone, telegraph, freight line, express, and sleeping car companies, and vessel tonnage tax.....	445,005.06
Insurance companies.....	620,934.71
Inheritance tax.....	873,122.57
Miscellaneous taxes.....	77,872.81
	<hr/>
	\$15,157,531.16
Total miscellaneous receipts applicable to general state expenses.....	6,175,522.75
	<hr/>
	\$21,333,053.91

Present tax laws. The railroad gross earnings tax now fixed at five per cent cannot be increased without a vote of the people approving it. The income tax, which was proposed at the last session of the legislature as a means of relieving property, is of somewhat doubtful legality and was not heartily endorsed in the No-

vember, 1920, election. Something may be accomplished to make the burden of taxation less onerous by reclassifying property. Today iron ore, mined or unmined, is assessed at 50 per cent of full value; wearing apparel, household goods, furniture, and all personal property actually used by the owner for personal and domestic purposes, at 25 per cent of full value; unplatted (rural) real estate, livestock, agricultural products, stocks of merchandise, machinery, tools, and materials in factories, at $33\frac{1}{3}$ per cent, and all other property, including platted (city or village) real estate, bank stock, the equipment of public service corporations, and some other items, at 40 per cent of full value.

Tonnage tax. One readjustment which has been proposed is the adoption of a tonnage tax on the iron ore that is taken out of the mines. The Republican party of the state has approved the principle of a "fair and equitable tonnage tax," and all the candidates for the governorship were in favor of the measure. The only question which now remains is that of devising a just tax which will actually increase the revenue from the mines. A tax which would put any of the mines out of business would be very short sighted and would have bad economic consequences. The governor discusses this question at some length in his inaugural message, and the legislature is already at work upon several proposed tonnage tax bills.

The State tax commission is the body which has been created by law to study tax problems, to improve the administration of the tax laws, and to equalize assessments throughout the state. This body consists of three members appointed by the governor with the approval of the senate for terms of six years. It has extensive powers of control over local assessors and tax officials and it provides them with uniform instructions as to their duties. It conducts extensive investigations into tax problems and has been very influential in inducing the legislature to improve and modernize the tax laws of the state. Its biennial reports are full of valuable information.

The Public examiner, appointed for a term of three years by the governor with the consent of the senate, is the officer whose function it is to supervise the accounting methods of all departments, boards, and institutions of the state, of the counties, and of the three large cities. His services are extremely important in that he reports all violations of law in the expenditure of public money, and requires honest, uniform, and up-to-date accounting systems to be installed.

References: Biennial Reports of the Auditor, Treasurer, State Tax Commission, and Public Examiner; **Minnesota Constitution**, Art. 9; **Tax Laws of Minnesota**.

SECTION 19

THE COURTS IN MINNESOTA

Judicial functions. It is the function of the legislature to determine what policies shall be followed by the government and what conduct expected of the individual, and to embody these policies and standards of conduct into law. It is the duty of the executive and administrative officers of the state to carry out the will of the legislature by enforcing and administering the laws. The courts exist to decide the meaning of the laws and to apply the law in particular cases where a conflict arises between individuals or between individuals and officers. It is not the function of the judges actively to seek cases; they must wait until public prosecutors or individuals bring cases before them.

Criminal law. There are two great branches of the law,—civil and criminal. Some offenses like murder and robbery are considered by society to be so grievous and reprehensible that either by common law or statute they have been decided to be not mere private wrongs but public offenses, "against the peace and dignity of the State of Minnesota," and proper penalties have been provided. All local peace officers, including constables, police officers, justices of the peace, sheriffs, county attorneys, and others are bound by their oaths to apprehend and to bring to trial all persons who commit such acts. Crimes are, therefore, punished, and by action of officers of the state. In practically all criminal prosecutions except violations of municipal ordinances the accused person enjoys the right to a speedy and public trial by an impartial jury of twelve persons.

Civil procedure. Civil cases are, in general, cases between man and man where the law does not declare the wrong to be either a crime or a misdemeanor, but where it does, nevertheless, permit a person to bring an action against another. For example we may mention the breaking of a contract, the failure to pay a man his wages, or the injury of a passenger in a street railway accident. In such instances the injured person may sue the other, and if he is successful may recover a judgment or money damages. The other party is not punished by the state, however; he is not fined or imprisoned. The state merely provides the court and the means of enforcing the judgment. In civil actions for the recovery of money only, or of specific real or personal property, or for a divorce on the ground of adultery, a jury trial is allowed in Minnesota. Otherwise the judge usually hears and decides civil cases alone.

Courts. The court system of Minnesota includes a supreme court, a number of district courts, a probate court in each county, municipal courts in the larger cities and villages, and justices of the peace in all other territory. Of course, nothing will be said here about the federal courts which are a separate system.

The Supreme Court of the state consists of a chief justice, four associate justices, two commissioners, a clerk, a reporter, and a

number of minor clerks and attendants. The chief justice and the four associate justices are the voting and deciding members of this court. They are elected from the state at large for terms of six years each on a ballot without party designation. The chief justice receives \$7,500, the associate justices and commissioners \$7,000 per year each. The constitution limits the number of associate justices to four, but the amount of work has for some years been too great for the five justices to do. In 1913 the legislature provided for two commissioners to be appointed by the justices to assist them in their work. These commissioners sit with the court and help to write the decisions, but have no vote in deciding how a case shall be disposed of. The clerk of the supreme court is elected on a party ballot for a four year term at a salary of \$4,500. The reporter is chosen by the justices. The court sits in the capitol at St. Paul. One term begins in April and another in October.

Work of the supreme court. The bulk of the business of the supreme court consists in giving final decisions upon cases taken up to it on appeal from the lower state courts. There is no jury in this court. On all questions where the federal laws and constitution are not concerned, its decision is final. For example, it alone can say finally what interpretation shall be put upon the state laws and constitution, but if its decision in any case would make the state laws or constitution mean something which conflicted with the federal law or constitution, then an appeal might be taken to the United States supreme court. The decisions handed down by the state supreme court are printed in volumes entitled **Minnesota Supreme Court Reports**, several of which are issued each year.

The state district courts stand just below the supreme court. There are 19 judicial districts, but the number of judges varies from one to nine in a district, making 47 district judges in all. All the judges are elected from their respective districts for six year terms; their salaries are from \$4,200 per year upward. The second and fourth districts consist of but one county each, Ramsey, and Hennepin. All of the others include two or more counties, no county being divided to form a judicial district. In each county there is elected a clerk of the district court. His term is four years, and his salary varies with the importance of the county. It is the duty of the clerk to keep the proper books of registry of cases and judgments, to keep the small law library needed for the judge, to serve as clerk of the court when the district judge comes to hold court in the county, to receive and preserve legal papers filed with him, and to issue certain licenses and legal notices.

Work of district courts. The district courts transact a great amount of legal business, some of it very important. As the lawyers explain it, district courts have general jurisdiction. They have original jurisdiction in all civil actions within their respective districts without regard to the amount in controversy, in all cases of crime committed or triable in their respective districts regardless of the punishment involved in the case, and in all special proceed-

ings not exclusively cognizable by some other court or tribunal. They also have power to take cases on appeal from the county courts of probate. Being courts which keep a full record of their proceedings and which have general jurisdiction, they have the power to naturalize aliens and to do certain other things. **Juvenile courts**, which exist in counties having over 50,000 population, are merely a branch of the district court in such counties. They provide a special court-room and special procedure for the trial of children's cases. Recently it has been proposed that the specialization of work in the district courts of the larger counties be carried one step farther by the creation of **courts of domestic relations**.

Probate courts. At the November, 1920, election the voters approved an amendment to the constitution extending the term of judges of probate from two to four years. From now on every fourth year the voters in each county will elect a judge of probate. The salary of these judges varies with the population and importance of the counties. Each probate judge appoints his own clerk. According to the constitution a probate court has jurisdiction over the estates of persons who have died and over persons under guardianship. This jurisdiction is exclusive; no other court may interfere with its exercise in the first instance, but there may be appeals taken to the district or supreme courts in certain cases. When a person dies, leaving property within the county, only the probate court may take charge. If there is a will the probate judge construes and carries out its terms; if there is no will the judge carries out the general laws of the state as to the distribution of the property among the heirs. When a child is left without parents, or it becomes necessary to appoint a guardian for an adult, the probate judge makes the appointment of the guardian and supervises his actions as such.

Two justices of the peace are elected every second year in every town in the state, and likewise in every village and city where there is no municipal court. The justices are paid by fees. The law imposes upon them many duties which are not strictly judicial, and it limits their jurisdiction in legal causes to the smaller cases. Consequently the justices are not required to be learned in the law. No justice of the peace has jurisdiction in any civil case where the amount in controversy exceeds \$100, nor in any case where the title to real estate is involved, nor in any criminal case where the punishment might exceed three months imprisonment or a fine of \$100. The number of cases tried in justice of the peace courts throughout the state in a single year is very great, and while the cases are relatively of little importance the total effect of a vigorous enforcement of the law in every town and village of the state cannot help but be wholesome if the work is done justly and well.

Municipal courts take the place of the justice of the peace courts in all cities and villages of the state which have voted to change over to the municipal court system. Every municipal court is a court of record with jurisdiction co-extensive with the county

or counties in which the city or village lies. Municipal judges are elected by the voters of the city and village for terms of four years each, and receive salaries which vary with the size of the place. All offenses which would ordinarily be tried before a justice of the peace are tried by the municipal court if committed within the city or village, and may be so tried if committed anywhere in the county. All violations of the charter and ordinances of the city or village are tried and determined by the municipal court without a jury. In civil cases it may try cases arising on contract, for the recovery of money only, where the amount in controversy does not exceed \$500 (in Minneapolis \$1,000), for damages for injury to persons or property where the amount claimed does not exceed \$500, and in certain other cases. It has no jurisdiction to try divorce cases, or cases to recover damages for false imprisonment, libel, slander, breach of promise to marry, and certain others, or cases against the city, village, or county. Neither has it power to issue writs of habeas corpus, quo warranto, ne exeat, mandamus, prohibition, or injunction. In Minneapolis there has been set up within the municipal court the office of **conciliation judge** who handles small suits involving not over \$50 in a very summary manner, at a minimum cost to the parties, and without the usual formalities of procedure.

References: Minnesota Constitution, Arts. 1, 6; General Statutes of Minnesota, 1913, chap. 5.

SECTION 20

LOCAL GOVERNMENT IN MINNESOTA

The state and the localities. The principle of local self-government is one of the basic and essential ideas upon which the American system of government is founded. The doctrine is based upon the assumption that Americans are able to govern themselves in all things which concern them, and that they need no aid from outside or superior authorities. Some things, like defense and foreign affairs, which concern the whole nation, they can handle best as a nation; other matters can be best dealt with by large units called states or commonwealths; and still others lend themselves to purely local control and should therefore be controlled by the local group of citizens. This idea is recognized more or less in every state in the Union, but in Minnesota the principle of local control is carried farther than in most of the states. This does not mean that the local units have any inherent or natural right of local self-government, but only that the state of Minnesota has in its constitution and laws gone farther than most states in conferring powers of self-control upon the people locally. These powers can, of course, be taken back by the state at any time, either by legislation or by amendment of the constitution, as the case may be, for the local governments are all mere agents and creatures of the state.

The local units. There are four principal units of local government recognized by the laws of Minnesota today. They are the counties, towns, villages, and cities. Of course there are also school districts, which handle only school affairs, and a few other special districts.

The county is the largest of the units into which the state is divided for local administration. There are 86 counties in Minnesota, comprising the entire area of the state. Other counties may be created out of existing ones only with the approval of the voters. The primary purpose for which the county exists is not to satisfy any special local wants of the people but to carry out the laws of the state. To this end the counties have almost uniform powers, and they have little opportunity to expand their functions beyond what the law directs them to do. The officers of the county are almost the same everywhere in the state, and they are elected for terms of four years at the regular state elections, 1918, 1922, and so on.

The county board in 84 of the counties consists of five members elected by districts; in St. Louis county there are seven members, and in Ramsey six. The board is the chief governing body of the county. It is given control over all the finances and property of the county, and is charged with levying the county taxes, maintaining the county buildings, providing county roads and bridges, changing the boundaries of towns according to the provisions of the law, and with doing certain other things. In recent years, with the passage of laws for county hospitals, county libraries, county health nurses, county agricultural agents, and so on, there has been a considerable increase in the board's powers.

The county auditor is the chief accounting officer of the county, and is also clerk of the county board. The **county treasurer** collects the taxes for the state, the county, and the municipalities within the county. Moneys not belonging to the county he turns over to the proper state and local authorities; the county moneys he keeps and pays out upon the warrants of the auditor. The **register of deeds** keeps the registry of all transfers of title to real estate in the county, of mortgages, and other similar instruments. The **sheriff** keeps the peace in the county; that is to say he enforces the state laws there. The **county attorney** is the prosecuting attorney of the state in and for the county, as well as the legal adviser of the county officers. The **county surveyor** is required by law to make all surveys of property within the county which are ordered to be made by the proper authorities, and he is to some extent the agent of the county board in doing county road work. The **county coroner** holds inquests over the bodies of persons who are supposed to have come to their death by violence, and he acts as sheriff when the latter officer is absent or unable to serve. The **county superintendent of schools** supervises the work of the schools in the county, and reports to the state board of education. The **clerk of**

the district court, and the probate judge, are mentioned in connection with the courts.

The town. The smallest unit of local government in rural districts is the town. Originally most of the towns in Minnesota were of the same size as the congressional township, or six miles square. New towns may be created and old ones altered by the county board, upon petition by a certain number of legal voters, but ordinarily towns must contain at least 36 square miles and 25 legal voters.

Town powers. The principal powers of the town are vested in the electors assembled in the annual town meeting on the second Tuesday in March. At this meeting the voters elect the town officers, vote the taxes, provide for the purchase of property for such town purposes as a town hall, cemetery, or park, pass by-laws as to stray animals, and make provisions for impounding them, provide for the repairing of roads and bridges, and perform such similar acts of local concern as are authorized by law. Special meetings are also frequently called for some of these purposes.

Town officers. Between town meetings the affairs of the town are carried on by the town board, consisting of three supervisors serving for three years each, and by the town clerk, treasurer, assessor, and one or more overseers of highways, each of whom serves for one year. To keep the local peace there are also elected every second year two constables and two justices of the peace.

Villages. Just as soon as there comes to be a gathering of people at one point in the township, there arise new problems of health, sanitation, water supply, police, and fire protection, which do not exist in purely rural territory. The need of greater governmental powers, and of a more continuous and responsible form of government than that existing in the town begins to appear. In this case, if the people are living on platted territory, and number not less than one hundred, they may organize themselves into a village under the general village law. To bring about the change, however, there must be a petition by at least 25 voters resident in the area to be incorporated, directed to the county board, and this must be followed by an election in which a majority of the people vote for village organization. There are today about 700 villages in Minnesota.

Village powers. Village elections occur annually on the second Tuesday of March. At this time the voters choose a treasurer, a village council composed of a president, clerk, and three trustees, and in case the village is separated from the town, an assessor, all for the term of one year. Every second year there are also chosen two constables, and in case there is no local municipal court, then two justices of the peace, for terms of two years each. The village council has very extensive powers laid down in the laws to raise and spend money for local purposes, to appoint and fix the salaries of various officers and employes such as a village attorney, a street commissioner, fire wardens, police officers, and so on, to regulate

building operations, to provide for fire protection, to provide a system of streets with sewers, sidewalks, a water supply, and other local improvements therein, to provide a village library, to establish a board of health, to regulate amusements, street trades, and so on.

Cities. Before the average village has reached a population of several thousand it finds that even the powers it has as a village are inadequate for its purposes, and that the village form of organization is not sufficiently flexible. At this time it usually takes the next step by becoming a city. In former days cities were all incorporated by special acts of the legislature, but since 1896 there has been a provision in the constitution under which any city or village in the state may become a "home rule city" by adopting a home rule charter. The home rule provision provides as follows:

Home rule for cities. "Any city or village in this state may frame a charter for its own government as a city consistent with and subject to the laws of this state." By petition the voters of the city or village bring about the appointment by the local district court of a board of fifteen freeholders. This board or "charter commission" then draws up a charter for the city, which is thereupon submitted to the voters, and if voted for by four-sevenths of all who vote at the election becomes the charter of such city or village as a city, and supersedes "any existing charter or amendments thereof." The charter may subsequently be amended by the voters by a three-fifths vote, but it must always be "in harmony with and subject to the constitution and laws of the state of Minnesota," and it may in no case "supersede any general law of the state defining or punishing crimes or misdemeanors." The courts have held, however, that home rule cities may in their charters provide for almost any form of city government they please to adopt, except that they must have a mayor or chief magistrate and an elective council, and that they may equip themselves with any powers which they deem necessary to carry on their local affairs, provided they do not violate the words or the policy of the state laws. Of the 86 or more cities in Minnesota today, 62 are known to have home rule charters. The home-rule list includes Minneapolis, St. Paul, Duluth, Mankato, St. Cloud, Rochester, Virginia, Albert Lea, Bemidji, Brainerd, Fairmont, Faribault, Moorhead, Red Wing, and Stillwater. Winona and thirteen others are still under special legislative charters; eleven others were incorporated by general laws some years ago. All of the cities of the state began with the mayor and council form, but since 1912 a considerable number, including St. Paul, Duluth, Mankato, and St. Cloud, have adopted the commission plan, while Morris, Pipestone, and Anoka have adopted some features of the city-manager scheme.

References: Minnesota Constitution, Art. 4, secs. 33, 34, 36, and Art. 11, General Statutes of Minnesota, 1913, chaps. 7, 8, 9.

OFFICERS, DEPARTMENTS, BOARDS, AND SOCIETIES OF THE STATE GOVERNMENT

I. LEGISLATIVE DEPARTMENT

The Legislature—two houses: Senate and House of Representatives—regular sessions biennial, 1919, 1921, 1923, etc.—limited to 90 legislative days—**powers**: to pass laws, raise and spend money, propose constitutional amendments.

1. **The Senate**—67 members today—elected from 67 single districts—terms 4 years—elections 1918, 1922, etc.—salary \$1,000 every two years—special powers: to approve appointments by governor, try impeachments.

2. **The House of Representatives**—131 members today—term 2 years—from one to four elected from each senatorial district—salary \$1,000 per term—special powers: to originate bills to raise revenue, to commence impeachment proceedings.

II. EXECUTIVE AND ADMINISTRATIVE DEPARTMENTS

1. Executive Officers provided by the Constitution.

A. **The governor**—elected—2 year term—\$7,000 per year—has power to recommend laws, call special sessions of legislature: veto power; extensive appointing power; is commander-in-chief of state military forces.

B. **Lieutenant Governor**—elected—2 year term—\$2,000 every two years—presides over Senate—becomes governor in case of vacancy.

C. **Secretary of state**—elected—2 year term—\$4,500 per year—recording officer of state—keeps official papers and documents—conducts state elections—publishes laws—registers motor vehicles.

D. **Auditor**—elected—4 year term—\$4,600 per year—chief accounting officer of state—audits all claims against state—administers public land department.

E. **Treasurer**—elected—2 year term—\$4,500 per year—receives and pays out public money.

F. **Attorney general**—elected—2 year term—\$4,800 per year—chief legal adviser of state government—defends state and departments thereof in law suits.

G. **State board of pardons**—consists of governor, attorney general, and chief justice of supreme court—has power to pardon criminals convicted in state courts.

2. Executive and administrative officers and departments created by the legislature.

A. Defense and protection of life and property.

i. **The militia**—governor is commander-in-chief—adjutant general is appointed by governor.

- ii. **Board of armory supervisors** (governor, adjutant general, regimental commanders).
 - iii. **State fire marshal**—appointed by commissioner of insurance—enforces state fire laws.
 - iv. **State boiler inspectors**—appointed by governor—inspect steam boilers and vessels—license steam engineers.
 - v. **Inspector of illuminating oils**—appointed by governor—office recently merged with that of dairy and food commissioner.
- B. **Health and sanitation.**
- i. **State board of health and vital statistics**—9 members appointed by governor for 3 year terms—board appoints a secretary who is executive officer—enforce the state health laws.
 - ii. **Hotel inspector**—appointed by governor—term 2 years—inspects hotels to enforce sanitary laws, etc.
 - iii. **Dairy and food department**—pure foods—(see under Agricultural interests).
- C. **Educational interests and libraries.**
- i. **State board of education**—5 members appointed by governor for 5 year terms—board appoints a commissioner of education—department enforces state educational laws and administers state aid for schools.
 - ii. **State normal school board**—9 members, including commissioner of education and 8 persons appointed by governor—board manages the 6 normal schools.
 - iii. **Board of regents of the state university**—includes the governor, commissioner of education, president of the university, and 9 members appointed by the governor for 6 year terms—board appoints the president of the university, comptroller, deans, and other officers—controls the state university, including agricultural college, schools, and substations.
 - vi. **State librarian**—appointed by governor—salary \$3,000—manages state library in capitol.
 - iv. **Societies, etc:** Minnesota Historical Society, Minnesota War Records Commission, and Minnesota State Art Society.
- D. **Institutions and social welfare.**
- i. **State board of control**—3 members, appointed by governor, 6 year terms, salary \$4,500 per year each—manages the charitable and correctional institutions of state, purchases supplies for state government, enforces child welfare laws and assists in carrying out mothers' pension law, etc.
 - ii. **Board of visitors for public institutions**—consists of governor and 6 other persons appointed by him—visits and reports on state institutions.

- iii. **Board of women visitors for Minnesota home school for girls**—5 members, appointed by governor.
 - iv. **Advisory commission for state sanitarium for consumptives**—consists of 5 physicians appointed by governor—approves building plans and appoints examining physicians.
 - vi. **State board of parole**—consists of a member of the board of control, the warden of the state prison, and the superintendent of the state reformatory—enforces the law as to parole—supervision of paroled persons carried out by officers under its direction.
- E. **Labor, trades, and professions.**
- i. **Department of labor and industries**—headed by a commissioner appointed by governor for term of 4 years at \$3,600 per year—enforces state laws as to factory inspection and welfare of labor—has a special bureau of women and children.
 - ii. **Minimum wage commission**—consists of the commissioner of labor, a woman, and an employer of women, appointed by the governor—fixes minimum wages under state law for women and children.
 - iii. **State board of arbitration**—consists of 3 persons appointed by governor, one an employer of labor, one (not an employer) who is recommended by a labor union, and a third person recommended by the two—was created to arbitrate labor disputes.
 - iv. **Various state boards of examiners** for the following professions and occupations: Law, medicine, pharmacy, dentistry, veterinary medicine, osteopathy, optometry, nursing, accountancy, electricians, barbers, chauffeurs, and horseshoers—most of these boards consist of 5 persons already following the profession or occupation—appointments are in most cases made by the governor—the boards issue and revoke licenses for the pursuit of the several professions and occupations.
- F. **Conservation, and physical development of the state.**
- i. **The auditor**—see above.
 - ii. **Department of drainage and waters**—headed by a commissioner, appointed by the governor, at a salary of \$4,000 per year—supervises state and local drainage work—studies drainage and flood control problems.
 - iii. **Game and fish department**—headed by a commissioner, appointed by governor—enforces game and fish laws, aids in propagation of better species, stocks lakes with fish, etc.
 - vi. **State forestry board**—9 persons, including head of state forestry school, dean of state agricultural college, and 7 persons appointed by the governor—board appoints a state forester at salary of \$4,000 per year—protects

state owned forests, administers two state parks, and does some reforestation work.

- v. **State board of timber commissioners**—consists of governor, treasurer, auditor, state forester, and attorney general—cares for preservation and sale of state owned timber.
- vi. **State highway department**—headed by a commissioner appointed by the governor for a term of 6 years at a salary of \$4,500 per year—administers road laws and supervises construction of state highways.
- vii. **Bureau of immigration**—headed by a board consisting of governor, secretary of state, auditor, and two persons appointed by them—board appoints a commissioner at \$3,000 per year—function is to advertise resources of state and to induce immigration of permanent settlers to unoccupied lands in northern part of state.

G. Agricultural interests.

- i. **Department of agriculture**—headed by a commissioner, appointed by governor for term of 4 years at \$4,500 per year—objects: to promote prosperity of agricultural population, improve marketing facilities, foster co-operation, and reduce the high cost of living.
- ii. **Dairy and food department**—headed by a commissioner appointed by governor for 2 year term at \$3,000 per year—inspects dairies and creameries to keep up standards of quality and purity, and enforces laws as to purity of food, fraud in sale of foods, etc.
- iii. **The department of agriculture of the university** should also be mentioned—in connection therewith there is a State apiary inspector and a State entomologist.
- iv. Various **societies** also receive state support, the principal ones being the State agricultural society (which manages the state fair), the State horticultural society, the Minnesota dairymen's association, the Minnesota butter and cheese makers' association, the Livestock breeders' association, the Crop improvement association.
- v. **The State livestock sanitary board**—consists of 5 persons appointed by the governor, 2 being veterinarians and 3 persons interested in breeding stock—duties are to protect the health of domestic animals, condemn animals suffering from tuberculosis, etc.
- vi. **The stallion registration board**—consists of the professor of animal husbandry of the state agricultural college, the veterinary of the state experiment station, and the president of the Minnesota horse breeders' association.

H. Regulation of business.

- i. **Railroad and warehouse commission**—consists of 3 members elected at large for terms of 6 years at a salary of \$4,500 per year each—regulates railroads, inter-urban electric lines, telephones, stock yards, etc., and provides for the inspection of grain and establishment of weights and measures.
- ii. **Department of banking**—headed by a superintendent of banks, appointed by the governor for a term of 3 years at a salary of \$4,500 per year—inspects banks and other financial institutions to enforce state laws and prevent insolvency.
- iii. **Department of insurance**—headed by a commissioner appointed by the governor for 2 year term at \$4,500 per year—enforces insurance laws, inspects books of insurance companies, etc.
- iv. **State securities commission**—consists of public examiner, commissioner of insurance, superintendent of banks, and an assistant attorney general—commission appoints an executive officer at \$3,000 per year—function is to license bond and stock selling agencies, inspect flotations of new securities, and prevent fraud as far as possible.
- v. **Surveyors general of logs and lumber**—appointed by governor—one for each of 7 districts in the state—survey and scale logs, poles, lumber, etc., on request.
- vi. **State boards of grain appeals** (one at Duluth, one at Minneapolis) 3 members each appointed by governor—decide appeals from grades established by grain inspectors.

I. Taxation, finance, and accounts.

- i. See **Auditor**, and **Treasurer**, above.
- ii. **Public examiner**—appointed by governor, for 3 year term at \$4,500 per year—supervises accounting methods of all state departments, boards, and institutions, of counties, and of three large cities.
- iii. **State tax commission**—3 members appointed by governor for 6 year terms at \$4,500 per year each—investigates tax problems, controls local assessors and instructs them, equalizes assessments throughout the state.
- iv. **State board of investment**—consists of governor, auditor, and treasurer—board controls the investment of state trust funds.
- v. **State board of deposit**—consists of treasurer, secretary of state, auditor, attorney general, and public examiner—designates banks to receive state money on deposit, approves their bonds, etc.

- vi. **State board of audit**—consists of governor, secretary of state, and attorney general—function is to audit books of state treasurer four times a year.
- J. **Public property and miscellaneous.**
 - i. **Department of public property**—headed by governor as custodian—controls new capitol, old capitol, and historical building.
 - ii. **Trustees of the Minnesota soldiers' home**—consists of 7 trustees appointed by governor for 6 year terms.
 - iii. **Miscellaneous:** Board of commissioners for the promotion of uniformity of legislation, State athletic commission (for the regulation of legalized boxing contests), and others.

III. JUDICIAL DEPARTMENT

1. **The supreme court**—consists of a chief justice and 4 associate justices—elected from state at large for 6 year terms at \$7,500 and \$7,000 per year each, respectively—assisted by 2 commissioners at \$7,000 per year each appointed by the justices—a clerk elected at large for 4 year term at \$4,500 per year.
2. **The district courts**—19 districts in state—47 judges in all, elected from respective districts for 6 year terms—salaries vary—a clerk of the district court in each county.
3. **The probate courts**—one in each county—judge elected for 4 year term from county—
4. **Municipal courts** in the several cities and villages, and justices of the peace in towns and in such cities and villages as have not adopted a municipal court system.