

(ANNUAL) MESSAGE

OF

*Minnesota*  
GOVERNOR (J. S. PILLSBURY,)

TO THE

LEGISLATURE OF MINNESOTA,

DELIVERED JANUARY 4, 1877.

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## ANNUAL MESSAGE

OF

# GOV. J. S. PILLSBURY.

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*Gentlemen of the Senate and House of Representatives :*

The recurrence of a session of your representative bodies brings again the occasion for a review of official transactions since your last assemblage, and for a formal presentation of those subjects pertaining to the condition of the State, which will claim your attention.

In the performance of this duty I repeat the desire expressed to you a year ago, for such harmony and co-operation in all matters requiring consideration, as may facilitate the prompt discharge of our duties and subserve the public welfare.

### RETROSPECTIVE.

While the year which has closed was marked by no striking features either of prosperity or adversity, it has witnessed a nearer approach to a failure of our chief agricultural staple than has yet been experienced in a career of singular prosperity. This, following a wide prevalence and prolonged period of industrial paralysis and business depression, coupled with the renewed and extended ravages of the locusts or grasshoppers, has wrought discouragement among our people and tended to hinder their extrication from financial embarrassments. Yet if we are wise enough to recognize the uses of adversity, to correct the errors of the past and to adapt ourselves to the adjustments of a better considered future, these reverses may be readily turned to our advantage. And, moreover, when we reflect that of all other than their

leading product the people of Minnesota the past year gathered bountiful harvests; that they have been exempt from pestilence and civil commotion; that they are in full enjoyment of peace and order; that justice has been impartially administered and the majesty of law vindicated; that the burdens of taxation are at length being decreased; that their educational interests have been sedulously cared for; that their various charitable and reformatory institutions are in the faithful performance of their beneficent work; that the blessings of civil and religious liberty are enjoyed in full measure, and, above all, that following the dissensions of an exciting campaign for the choice of a national chief magistrate, with the issue yet in doubt, and involving momentous interests, partisan rancor is happily giving place to dispassionate consideration,—in such multiplied evidences of continued private and public welfare there is abundant cause for grateful recognition of that overruling Providence in whose gracious keeping are the destinies of men and of nations.

The condition of public affairs will be presented to you in detail by the annual reports of the several departments and State institutions. Of these, perhaps the department fullest of vital concern for an enduring public welfare is that pertaining to our

#### EDUCATIONAL INTERESTS.

To exhibit at a single view the marvelous expansion of our common school system, it will suffice to contrast the few particulars embodied in the first report of the Territorial Superintendent of Public Instruction, made for the year 1851, with the corresponding items in the last State report, for the year 1876, covering an interval of twenty-five years:

	1851.	1876.
Whole number of school districts .....	13	3,518
Whole number of school houses .....	5	3,119
Aggregate value of school houses.....	\$2,500	\$2,763,464
Total enrollment of scholars .....	250	151,866

But, striking as these comparative figures are, they give little idea of the actual improvement and efficiency of our common schools under their existing supervision.

For evidence of this fact, as well as for a thorough presentation of the whole subject of common school education, I commend to your careful attention the masterly report of the

## SUPERINTENDENT OF PUBLIC INSTRUCTION.

If the noblest appreciation and the best practical management result from a realization of the faults as well as of the merits of our school system, Mr. Burt must be deemed an invaluable officer in the responsible position he holds. To his quick discernment and forcible presentation of the subject we are chiefly indebted for the salutary change in the apportionment of the school funds. Instead of a distribution upon the basis of the number of persons entitled to attend, the number in actual attendance now governs the apportionment.

The Superintendent moreover intimates that a further improvement may be found requisite by requiring not only a formal enrolment as at present, but an uninterrupted or aggregate attendance, as the measure of monetary apportionment. The first and most obvious result of the change already effected is to greatly remedy that dilatory and random attendance at our common schools which is one of the principal obstacles to their success, while such consummation will be still further forwarded by the additional requirement suggested.

To distribute school money for the benefit of those who are being actually educated by its aid rather than to those who are entitled to, but neglect such aid, is at once obviously equitable and a direct inducement to better school attendance. When parents and school managers realize that not only the benefits of education but the means for promoting it depend upon more faithful and continuous attendance, it cannot but result advantageously for all concerned.

The Superintendent's report abounds in pertinent suggestions. Instead of indulging in the easy and discursive commonplaces devoid of practical application, which is the besetting temptation to so many educators, he pursues a steadfast aim and treats the subject in the incisive and vigorous manner usually productive of specific results. Having proven his right to urge changes for greater efficiency, I bespeak your careful and dispassionate consideration of his recommendation for a restoration of a uniform State school-tax, with provision for its apportionment, as well as of his cogent reasons for the measure.

We may indulge an honest pride in the results already achieved with our common schools, and no reasonable effort should be spared to perfect a system constituting one of the essential conditions to the perpetuity of popular institutions. Our permanent school fund has reached the sum of about \$3,390,000, ranking fifth

in amount among those of the States of the Union. If the residue of the school lands shall realize prices equal to those heretofore obtained, our common school endowment will eventually approach the majestic figure of \$20,000,000.

#### NORMAL SCHOOLS.

The subject of Normal Schools, as a legitimate agency in our educational system, has elicited much discussion. Without here entering upon the subject, simple justice suggests that these schools are not fairly chargeable with the failure of any reasonable results that may have thus far been expected of them in this State.

The inevitable legislative wrangle annually repeated over the needed measure of their support, the disparaging comments to which they are subjected, and the recurring uncertainty respecting their maintenance, place them at a constant and serious disadvantage.

I respectfully submit that this treatment is neither just to these institutions, nor to the State Treasury, taxed with their support. In my judgment they should be adequately sustained. At all events their maintenance should either be abandoned, or permanently provided for by a standing appropriation.

Normal Schools are recognized as potent educational auxiliaries in twenty-seven of the States of the Union, and are maintained at an average annual cost of about \$21,000 each.

In our State, while it may be doubted whether the creation of so many as three of these schools at so early a period and with our then slender resources was wise, yet the labor and cost of their first establishment having now been borne, their continued maintenance upon a footing of usefulness will scarcely admit of question, in view of the rapidly increasing need of our common schools for higher qualifications of teachers. Owing to the failure of the last Legislature to make the customary annual appropriations for their support, these schools have been thrown upon other resources, which cannot long bear the burden.

As some of them will be compelled to close by mid-winter, unless speedily relieved, you will see the necessity for early action, and I cannot doubt that you will give the subject that prompt and candid consideration its importance requires.

The attendance at these schools during the year will be exhibited in the statement following :

	Total enrollment.	Average Attendance.
Winona.....	458	302
Mankato.....	303	140
St. Cloud.....	280	165
	<hr/>	<hr/>
	1,041	607

This indicates a diminished total enrollment, but an increased average attendance compared with the preceding year.

In view of the fact that Latin is now being taught in no less than sixteen of the public schools of the State, I submit that early provision should be made for instruction in that language in our Normal schools, in order to fit their pupils for any requirements which may be made of them as teachers, and in accordance with that educational theory which wisely recognizes the several branches as co-operating aids to the attainment of a complete education.

#### STATE UNIVERSITY.

When we reflect that less than ten years ago the University of Minnesota had but a nominal existence, and that a special Board of Regents were still engaged in rescuing its affairs from financial difficulties threatening utter ruin, its present comparatively prosperous condition is a source of congratulation among all friends of education. By the sale of a comparatively small proportion of the lands granted it by Congress, the impending ruin was averted, and the remaining property so far freed from liens and other incumbrances, that it became feasible in the year 1867 to put the institution into actual operation as a preparatory school. Two years later, in 1869, the first college class was formed and a Faculty organized.

From the first, the progress of the institution has been steady and continuous. Considering the brief period it has been in operation, a comparison with similar institutions of greater age in our neighboring States of the Northwest, affords no cause to be ashamed of its progress or its condition. Over one thousand youth from all quarters of the State have been trained and instructed within our University halls, and have gone forth to the activities of life stronger and abler to serve, not only themselves, but the State, whose free gift they have shared. The actual enrollment at the present time is a trifle under 300, of whom over 125 are students of full collegiate rank.

From personal knowledge, to a large extent, I take pleasure in saying that these students, as a rule, comprise the aspiring, capable and worthy young persons to whom the conduct of affairs, in the course of events, may safely be entrusted. It affords me no less satisfaction to be able to recognize in the Faculty, a body of men devoted to their profession, laboring zealously and harmoniously to subserve the highest interests of the institution with which they have allied themselves.

I invite your attention to the various suggestions embraced in the report of the Board of Regents. An appropriation is asked to purchase a corner of land to obtain frontage upon University Avenue, which land is now in process of condemnation to that end. It is greatly to be desired that this addition to the University grounds be made while the land can be obtained at a comparatively low price; and should you deem the amount required properly available for the purpose, I recommend that the appropriation be made.

I moreover ask your attention to the late action of the Board relative to the restriction of the preparatory instruction to such students as cannot obtain the same in the public schools of their own cities or districts. This is a further step toward the abandonment of all preparatory work to the schools of the State. It is based upon the expectation that our several high schools will generally so arrange their courses of study as to fit students for college work in a reasonable time, and thus fill the chasm between the common schools and the University. This has already been done to some extent with excellent results, and I submit whether the State might not advantageously lend its aid, to a limited degree, toward the high school tuition of pupils of such neighboring districts and towns as are destitute of the advantages of such instruction.

Perhaps the most inevitable conclusion to which a study of our school system leads, is the necessity that its various departmental agencies and appointments should form auxiliary parts of a harmonious whole; that its successive steps should constitute a regular graduation from the alphabet to collegiate maturity, and that like the rills and streams which, however differing in character and varying in course, reach a common goal in the ocean, the primary instruction of the common school should lead by easy stages to the crowning scholarship of the university. All alike are the gift of the State to her people, dictated by the enlightened policy which qualifies the citizen for the duties demanded of him, and which sows and nourishes according to the bounty of the expected

harvest. In nothing is a supporting unity of design and action more essential to success. To adhere to isolated plans or to persist in unplanned efforts without definite aim, is to voluntarily sacrifice for each the advantages which might otherwise be combined for the whole and its parts.

To the end desired it is therefore essential that in every stage of instruction and in every variety of school, the purpose, or at least the possibility, of this ascending continuity should be kept constantly in view, and especially that the finishing course elsewhere should fit pupils for freshmen at the university. This is essential to the highest efficiency whether in the lower or higher branches. It would save the time, labor and means now comparatively wasted in special preparatory schools and furnish a perennial supply of trained pupils to push forward without interruption to the coveted goal of a complete education. The advantages are obvious to all concerned, and although unhappily the majority must fall out by the way diverted by the exigencies of business pursuits, it should ever be a leading and cherished object of our educational system to afford at least a standing opportunity to the more fortunate and persistent, for an unobstructed pursuit in the pathway of learning from the beginning to the end of a complete education. I invoke at your hands such fostering care of the educational institutions of the State as will ensure a growth commensurate with a proud material development, and adequate to the wants of an expanding future.

#### STATE FINANCES.

An exhibit of the financial transactions of the year and of the present condition of the State may be seen in detail in the report of the State Auditor, the general statement of the same being as follows:

#### *Receipts.*

Balance December 1, 1875.....	\$130,245 29
State taxes.....	442,699 32
Taxes from R. R. Companies.....	141,475 53
Taxes from Insurance and Telegraph Companies.....	29,113 00
Fees of Insurance Commissioner.....	4,430 00
Interest on State Deposits.....	5,761 14
Prison Rent and Labor.....	5,734 84
Board of U. S. Convicts.....	1,931 17
Reform School Indebtedness.....	29,775 34

Sales of School Lands .....	51,823 69	
Sales of Agricultural College Lands.....	4,874 66	
Sales of Internal Improvement Lands .....	511 88	
Sales of Pine on School Lands.....	21,439 51	
Sales of Pine on University Lands.....	8,185 74	
Sales of Pine on Internal Improvement Lands...	19,815 34	
Intorest on stumpage accounts.....	4,327 71	
Interest on Permanent School Fund.....	203,295 02	
Interest on Permanent University Fund.....	19,815 34	
Interest on Internal Improvement Land Fund...	3,035 08	
Inebriate Asylum Fund.....	11,737 61	
Internal Improvement Fund—U. S.....	3,940 82	
Miscellaneous.....	7,681 76	
		<hr/> \$1,151,649 79

*Disbursements.*

For Legislative, Executive and Judicial Expenditures.....	\$162,574 53	
For support of State Normal Schools, Isane Asylum, Deaf, Dumb and Blind Institute, State Prison, Reform School and Soldiers' Orphans..	206,222 28	
For erecting, repairing and furnishing Public Buildings.....	54,377 48	
For payment of Apportioned School Fund.....	208,952 53	
For expenses of State University.....	36,135 00	
For payment of Interest on State Bonds.....	35,000 00	
For Public Printing, Paper and Stationery.....	37,449 51	
For printing Laws in newspapers.....	9,000 00	
For purchase of Bonds for investment of funds..	178,191 40	
For reimbursement of counties for relief and grasshopper bounties .....	43,856 28	
For Inebriate Asylum.....	10,600 00	
For miscellaneous expenses.....	53,026 49	
		<hr/> \$1,035,385 50
Balance in the treasury November, 1876...		\$116,264 29

## To the credit of the following funds :

Interest Fund.....	\$26,769 91
Sinking Fund.....	15,062 54
State Institutions Fund.....	55,641 31
Permanent School Fund.....	1,375 21
General School Fund.....	9,044 56
Apportionment School Fund.....	3,801 17
Permanent University Fund.....	1,182 34
General University Fund .....	4,676 30
Internal Improvement Fund.....	1,925 61

Inebriate Asylum Fund.....	979 69	
Internal Improvement Land Fund.....	10,650 09	
		<hr/>
	\$131,108 73	
Less Revenue Fund overdrawn.....	14,844 44	
		<hr/>
		\$116,264 29

The Auditor says that the statement of balances to the credit of the several funds shows the general revenue fund overdrawn \$14,844.44, against \$19,476.96 at the close of the preceding year; while the total of its outstanding appropriations shows the State to be about \$50,000 less in arrears than at the corresponding period of last year.

I direct your attention to the remarks of this officer relative to the advantages resulting from a temporary resort to other funds upon the exhaustion of the general revenues, in order to meet current expenses in the most feasible and economical manner, and I ask your consideration of his suggestion for the passage of a general law authorizing such use of certain funds when necessary to redeem overdrawn warrants upon the general revenue fund.

The total valuation of the taxable property of the State for 1876, as determined by the State Board of Equalization, was \$218,850,744 a decrease of \$5,001 from that of the preceding year. The rate of State tax is two mills, and the average rate for all purposes, 16.6 mills.

The force of the Auditor's objections to the present system of township assessments will be realized by all persons familiar with the evils of unequal and low valuations of property; and the adoption of a plan of assessment by a county board of assessors or by a single competent person removed from personal and political influences in each county, as recommended by him, would doubtless go far towards the desired improvement. Few subjects are of more immediate and practical importance.

The support and practical operations of government are primarily dependent upon the means thus derived; and the just and impartial valuation of property is both essential to that end and due to those upon whom the burden falls. The responsible task which thus requires for its faithful performance so much intelligence, judgment, and conscientious labor, and which should devolve upon the most competent and best remunerated persons, is too often allotted to the least capable as a cheap reward for disreputable political service. The result is that the work is so ignorantly and sometimes so maliciously done as to be substantially unperformed, and the actual service devolves upon the county and

State boards of equalization. I trust you will address yourselves to the correction of this serious evil. I also request your attention to the Auditor's remarks relative to the taxation of telegraph and transportation companies, and to his other suggestions looking to greater economy.

The operation of the new tax law, for which the State is much indebted to the present efficient State Auditor, continues to enforce that prompt and thorough payment of taxes, which it was designed to accomplish. It is moreover gratifying to be able to announce that through the Auditor's efforts, an adjustment of the State Swamp Land Grant is in favorable process, by which a large amount of swamp lands wrongfully allotted to various railroad companies and other grantees will, it is believed, be recovered to the State.

The following is the Auditor's estimate of receipts and disbursements for the year 1877:

GENERAL REVENUE FUND.

*Receipts.*

From current and delinquent taxes.....	\$300,000 00
From State Prison labor and other sources.....	51,000 00
From transfer from Interest Fund.....	9,269 91
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	\$360,269 91

*Disbursements.*

Legislative expenses.....	\$65,000 00
Executive.....	50,000 00
Judicial.....	53,000 00
Public printing.....	33,000 00
Laws in newspapers.....	7,000 00
Deficiencies.....	10,000 00
Unexpended appropriations.....	49,032 30
Outstanding warrants.....	2,248 04
Overdraft.....	14,844 44
Miscellaneous appropriations.....	30,000 00
	<hr/>
	\$314,124 78
Estimated surplus for other purposes.....	\$46,145 13

It will thus be seen, that after including all receipts to be reasonably expected from every source, and restricting expenditures

to current routine necessities, the surplus is \$46,145.13. The utmost extent, then, to which expenses for public buildings and all other extraordinary expenditures should go, is limited to the sum of \$50,000.

## STATE TREASURY.

The management of the State Treasury exhibits methodical and vigilant care. The following tabular summary shows the amount and sources of the total receipts, the general expenditures and the actual balance in the treasury, which was \$116,264.29, at the close of the fiscal year, held on deposit at the several banks as shown, according to law:

Recapitulation of Receipts, Expenditures and Balances during the fiscal year ending November 29, 1876.

Funds.	Balance in Treasury December 1st, 1875.		Receipts from County Treasurers.	Receipts from Miscellaneous Sources.	Total Receipts.	Expenditures.	Balance in the Treasury December 1st, 1876.	
	Dr.	Cr.					Dr.	Cr.
Revenue.....	\$19,476 96		\$317,173 89	\$30,151 93	\$347,325 32	\$342,692 80	\$14,844 44	
Interest.....		\$29,426 91	44,269 91		73,696 82	46,926 91		\$26,769 91
Sinking.....		32,083 96	22,134 98	3,600 00	57,818 94	42,756 40		15,062 54
State Institutions.....		43,758 69	88,539 80	160,565 10	292,863 59	237,224 28		55,641 31
Permanent School.....		11,243 61	51,823 59	27,439 51	90,506 71	89,181 50		1,375 21
General School.....		17,888 07	123,965 23	81,236 60	223,084 90	210,239 17		12,845 73
Permanent University.....		4,627 94	4,874 66	8,185 74	17,688 34	16,506 00		1,182 34
General University.....		4,635 62	11,044 95	6,390 62	22,071 19	17,394 89		4,676 30
Internal Improvement.....		2,102 84		3,940 82	6,043 66	4,118 05		1,925 61
Internal Improvement Land.....		4,117 53	3,096 96	21,233 10	28,447 59	17,797 50		10,650 09
Inebriate Asylum.....	157 92		10,937 61	750 00	11,737 61	10,600 00		979 69
Totals.....	19,634 88	149,880 17	677,911 08	343,493 42	1,171,284 67	1,035,385 50	14,844 44	181,108 73
Deduct amounts overdrawn..		19,634 88	Deduct am't overdrawn Dec. 1, 1875		19,634 88	Deduct revenue fund overdrawn.		14,844 44
Totals.....		130,245 29	Actual receipts.....		1,151,649 79	Leaving actual balance in treasury		\$116,264 29

Deposits at close of books:—

In First National Bank.....	\$45,397 59
In Second National Bank.....	25,973 10
In Merchants National Bank.....	16,165 90
In German American Bank.....	28,727 70
Total.....	116,264 29

For a full presentation of transactions in detail, showing all receipts and disbursements, you are referred to the Treasurer's report. His suggestures are worthy of consideration.

The amicable suit brought by the State against the Chicago, Milwaukee and St. Paul Railroad Company, to test the amount due the State in lieu of taxation, having been finally decided in our favor, the treasury has been already benefited to an additional amount exceeding \$8,000, and will eventually receive a sum estimated at about fifty thousand dollars (\$50,000) from this company alone, in consequence of this decision.

Other companies in view of this result are voluntarily making payment on the basis thus required. To the vigilance of the State Treasurer and the Railroad Commissioner and the prompt action of the Attorney General, is due the consummation of the effort to this end, originally made by Gen. A. J. Edgerton, former former Railroad Commissioner.

#### SECRETARY OF STATE.

From the report of the Secretary of State it will be seen that there were sixty-six instruments filed during the year for the creation of new corporations and modifications of prior articles, a list of which is therein given. The recommendations of the Secretary for an increase of the number of general laws and for an amendment of the law regulating the distribution of the special laws are worthy of attention. The report commends the character of the public printing for 1876, and gives a schedule of proposals and awards for the coming year as well as for the paper for the same. In addition to the usual lists of county officers and other information condensed into convenient form, it embraces the report of the State Inspector of Oils under the act which took effect on the first day of April last. The latter report states that no serious accident resulting from the use of illuminating oils has been reported in this State, during the past six months—a favorable result, compared with former experience, which is ascribed to the precautions enforced by the new law.

#### ATTORNEY GENERAL.

By reference to the report of the Attorney General it will be observed that a number of cases of unusual interest and importance, in which the State is a party, were on trial the past year, among which may be named a suit in which the constitutionality

of the law for the maintenance of an Inebriate Asylum has been reaffirmed ; a suit by the Chicago, Milwaukee and St. Paul Railway Company against Wm. Pfaender, State Treasurer, relative to the amount due the State in lieu of taxes, by the success of which the State receives an increased per centage of railroad earnings which will ultimately aggregate a large amount ; and a suit brought by the State against Seymour, Sabin & Co. for unpaid rent of State Prison grounds and for convict labor, which is still pending.

It will also be seen that the cases in which the State brought suit against two of her former officers have passed to final adjudication. Although in both of these the State was unsuccessful, I am constrained to believe it affords an occasion rather for congratulation than regret. In the first case, that of Mr. Munch, former State Treasurer, while no purpose to defraud the State at any time appeared and no loss was sustained by it, the safeguards which in consequence of conceded abuses, displaced the former lax provisions for the care of the public funds, are recognized as a gain to the public service.

In the case of Mr. McIlrath, former State Auditor, simple justice toward an officer whose long official career was marked by valuable public services during the constructive period of our existence, demands that his honorable acquittal of the charges against him, after a prolonged and exhaustive trial, should receive fitting recognition.

#### ADJUTANT GENERAL.

The Adjutant General has given constant personal attention to the affairs under his charge, and exhibited prompt efficiency in the discharge of his duties. The office as a claim agency continues to aid those to whom the national bounty is due, the number of claims filed during the year having been 205, the number allowed 86, and the amount collected \$15,709.31. The total number of claims prepared and filed in this office since January 1, 1865, is 6,893; the number allowed 4,329, and the amount collected through its agency \$513,356.25. I suggest that room might be found and fitted at a trifling expense in the basement of the capitol building that would be sufficient for the storage of guns and ammunition upon a purely peace footing, which would save the amount annually paid as rent for arsenal purposes.

#### STATISTICAL BUREAU.

The report of the Commissioner of Statistics contains much val-

uable information, especially upon the subject of grain, stock-raising and tree-planting. It shows that not for one fortunate year alone, but for four successive years Minnesota steadily maintained her position as among the leading wheat-producing States of the Union. The results are given as follows:

Wheat.	Bushels.	Average per Acre.
1872 .....	22,059,375	17.40
1873 .....	26,402,485	17.04
1874 .....	23,938,172	14.23
1875 .....	30,059,736	17.05

The wheat crop for 1875 exceeded 30,000,000 bushels, and but for injuries by insects, and the destructive flood occurring during the harvest, the commissioner is of the opinion that thirty-five millions would be a moderate estimate for the wheat crop of that year. The crop of oats was also larger than ever before by nearly 3,000,000 of bushels. The potato crop exceeded that of 1874 nearly 600,000 bushels.

The total crops of cereal grains for the year 1875 was 52,420,854 bushels; for 1874, 42,945,854 bushels; an increase of 9,475,000 bushels in one year.

The yield of miscellaneous products generally exceeds the estimates. The yield of butter was 12,029,372 lbs., being two millions in excess of 1874.

Yield of cheese was 1,009,999 lbs., a fraction less than previous year.

The commissioner's estimate of the wheat crop for the past year, as published at the close of the harvest, was  $8\frac{1}{2}$  bushels per acre, or about 15,000,000 bushels; but, as subsequent reports proved less favorable, it is possible that even this low estimate may not be realized. At all events, there is no question but that the wheat crop of 1876 came nearer being a failure than any produced during the agricultural career of the State.

But this single approach to a failure, after a succession of such crops as above shown, does not in any way affect our status as a wheat-growing State. Statistics show that our average wheat crop is from 17 to 18 bushels per acre, while those of the older States show a very much lower figure. In a series of eleven years, the average crop of the State of Ohio, as shown by her reports, was 10 55-100 bushels per acre. The average of the State of Iowa, in one series of seven years, was but 10 3-10 bushels per acre, while a high local authority estimates the wheat average of

Illinois, from year to year, at 8 bushels per acre. It thus appears that an average wheat yield in other States but little exceeds what is deemed a failure in Minnesota.

The same report gives evidence of a growing interest and movement in the direction of stock raising, and the improvement of the breed of horses, sheep, and horned cattle. The account of the different herds of improved stock will be found worthy of the attention of farmers.

The returns of tree-planting are encouraging; they show that more than 10,000,000 trees have been planted in groves, and a corresponding amount on road-ways for wind-breaks and shade.

The report of births for the year 1875 foots up 18,725 against 17,939 for that of the preceding year, while the number of deaths reported is 6,061, being 841 less than in 1874, showing a tendency toward greater healthfulness. The excess of births over deaths in 1875 is 12,664, and that of the last five years amounts in the aggregate to 54,049, which represents the natural increase, simply, of our population. There has been no death reported within the borders of the State from small pox during the year.

As our State has been celebrated for its healthfulness the commissioner's showing of various death rates becomes a matter of interest. The number of deaths per thousand in the whole State is 10 14-100, the average in 32 towns and cities is 13 87-100 per thousand. The number of deaths in Minnesota is shown to be 1 to every 108 of the population, which is a smaller mortality than that of any State of the Union, with one exception. The proportion for the whole United States is reported at one death to each 74 of the population.

The Bureau of Statistics is now in charge of Dr. J. B. Phillips, a gentleman whose practical acquaintance with agriculture, knowledge of the fundamental principles of medicine and varied scholarly attainments are peculiarly fitted to the best performance of his comprehensive duties.

#### HISTORICAL SOCIETY.

I take pleasure in referring to the report of the Historical Society. It bears evidence of the prosperous condition of an organization which performs an invaluable public service by the collection, preservation and arrangement of the materials essential to our early history.

Its library now comprises 17,000 volumes, bound and unbound, and its collection of newspapers, 600 volumes mostly Minnesota

papers, covering the whole period from the territorial organization in 1849, to the present time.

Public libraries are a moral and educational power whose general uses are readily recognized; but it is difficult to realize how important to future history are the familiar, unprized occurrences of the present which are unheeded amid the exactions and excitements of the hour.

Few historical collections in so young a State embrace more valuable material for future usefulness than has already been secured by this society. The Secretary complains of the crowded state of the rooms, and suggests that ultimately a fire-proof depository will be required. The value of its library, and the irreplaceable nature of its collections, will render such means of safety indispensable. In view of the excellent management exhibited, the gratifying success already achieved, and the importance of its labors, I cannot doubt that the fostering care which the State has heretofore given to the society, will be continued at your hands.

#### STATE LIBRARY.

The report of the State Librarian shows an addition of three hundred and forty volumes to the State Library—one hundred and sixty by purchase, and one hundred and eighty by exchange, and that the library now comprises a total of 12,000 books. The lack of room begins to be seriously felt, and early measures will be necessary to supply the increasing demands of the future.

#### INSURANCE DEPARTMENT.

The fifth annual report of the Insurance Commissioner, which will be laid before you, shows with great clearness the condition of the various fire and marine and life insurance companies doing business in this State as severally reported to the Insurance Department. It appears, that at the date of this report, there were eighty-nine fire and marine insurance companies duly authorized to operate in this State, with total assets of \$94,023,234, and with total liabilities, including paid up capital, of \$58,794,025; and their total income during the preceding year was \$55,739,777; and their total expenditures, \$47,071,102. Of these companies two were incorporated under the laws of this State, seventy-three are companies of other States, and fourteen of foreign countries. Their operations in Minnesota during the year were as follows:

Total risks written.....	\$52,588,988
Total premiums received.....	987,285
Total losses incurred.....	462,685
There were twenty-eight life insurance companies doing business in the State, with total assets amounting to.....	\$354,009,424
Whose total liabilities were.....	\$302,743,636
Their total income during the year was.....	\$95,512,894
Total expenditures.....	\$70,130,156

The following is a general statement of their business operations in this State during the year:

Number of policies issued.....	3,592
Total cash premiums collected.....	\$440,118
Total death losses paid.....	\$219,050

For more particular information under this head, you are respectfully referred to the Commissioner's report.

Before leaving this subject, however, I desire to direct your attention to an act of the Legislature of last winter, in regard to the investment of the capital of fire and marine insurance companies, which I am convinced is not only illiberal but unwise. I refer to the act requiring these companies, as a condition precedent to doing business in the State, to invest at least one hundred thousand dollars of their capital respectively in United States bonds. Considering the difficulties already experienced in obtaining first-class securities for investment, except at such rates as to seriously impair their profits, a law which adds to such difficulties without ensuring the additional solvency of the companies, is an exercise of arbitrary power, not only uncalled for, but detrimental to the interests of the State. The assumption upon which the law seems to have been passed, that United States bonds offer the only means for safe investment, is wholly unwarranted by well known facts. If State bonds are good enough for our school fund, whose security we watch so zealously, it is absurd and unjust to exclude them to any extent as insurance capital. The effect of this provision will be to rule out about one-third of the companies, among which are some of the best now operating in the State; and as abundance of competitive capital is requisite to secure fair rates of insurance, a deleterious effect is obvious. I recommend that the act in question be promptly repealed, or so modified as to correct its injurious results.

#### RAILROAD COMMISSIONER.

The report of the Railroad Commissioner presents a large

amount of valuable information, condensed into a comparatively small space. It affords the following comparative summary of the aggregate railroad traffic in the State, for the past three years, as reported by the several companies—the business year terminating on the 30th of June, respectively:

	1874	1875	1876
Gross earnings .....	\$6,194,669	\$4,952,152	\$6,000,967
Net earnings.....	1,894,800	1,026,830	1,798,424
Passengers carried.....	1,012,506	996,218	1,169,072
Tons of freight moved.....	1,434,913	1,350,177	2,079,563
Tons of grain moved.....	505,940	372,062	577,900

It will thus be seen that the railroad business aggregated a larger amount the last year than during either of its predecessors, although the earnings were less than those of 1874.

The sales of railroad lands for the year ending Dec. 31st, 1875, were unusually large, reaching 179,250 acres, which sold for \$1,317,799; while for the first-half of 1876 the sales were 174,478 acres, of the value of \$978,430. For the eighteen months thus covered the sales were equal in quantity to 40 per cent. of the combined amount of all prior land sales. These increased sales the Commissioner ascribes partly to the depreciated bonds of the companies which practically cheapened the lands purchased by them, and partially to the extraordinary wheat crop of 1875, which stimulated the demand for wheat lands.

The only new railroad construction during the year in the State was the section of thirty miles of the Worthington & Sioux Falls road, extending from Worthington to Luverne, which was completed and opened for business in September. The Commissioner expresses his gratification both with the enterprise evinced in pushing forward a remote frontier work in a period of depressed railroad interests, and with the fact thus evidenced that Minnesota is among the first to show a revival of those great movements which are at once the cause and the effect of material prosperity.

In my last message I recommended such enlargement of both the powers and duties of the Railroad Commissioner as should insure a constant surveillance of the condition of the various railroad tracks, and provide against accidents from defective bridges, and other insecure structures. The fatal casualty at Brainerd, which had then recently occurred, and the constant liability of a repetition of disasters from like causes, were educed as justifying the precautionary measure suggested. Various accidents of the kind throughout the country have continued to show the necessity

for the action recommended; while the shocking tragedy caused by the wreck of a railroad bridge in Ohio gives melancholy emphasis to such necessity. I again solicit your protective intervention in the interest not only of the traveling public, but in that of the railroad companies themselves.

#### PISCICULTURE.

That there is an increased appreciation of the practicability and importance of the culture of the several varieties of fish in the beautiful lakes of our State, is evinced in a gratifying manner by the voluntary aid afforded by the different railroad companies and individuals in furtherance of the labors of the Fish Commissioners, which have been prosecuted under adverse circumstances. I invite your attention to the very interesting report of these gentlemen, from which it appears that 215,125 fish have been introduced into various lakes named, as per their detailed statement, and that other important services have been rendered. The failure of the last legislature to make the needed appropriation for this work necessitated a contribution from the Executive contingent, not only to ensure its continuance, but to prevent the partial loss of what had already been accomplished. The Commissioners ask for \$5,000 in aid of this deserving enterprise, and I solicit your candid consideration of the same.

#### STATE PRISON.

I refer, with pleasure, to the encouraging report of the officers of the State Prison. The number of convicts, at the close of the year, was 166; the average number during the year, 153 5-7, being an average increase of 15. The total expenses were \$39,406.78, and the earnings, \$18,158.87, showing a net cost to the State of \$21,247.91, or \$138 per capita. This shows a decreased cost of prison maintenance from that of any previous year, and compares favorably with the conduct of similar institutions elsewhere. Notwithstanding an average increase of 15 inmates, the expenses of the prison were less than those of the previous year, which the Inspectors ascribe partly to the decreased cost of provisions and partly to the strict economy and judicious management of the Warden, by which the expenses were kept within the current appropriation. I request your careful attention to the various statements and suggestions of the officers of this institution, and especially to their complaints relative to the limited conveniences for the profitable

employment of convict labor, as well as to the correspondence respecting the same. As elsewhere announced the State has commenced suit against the contractors for default in the payment of rent and convict service, which payment was refused on the ground of alleged non-performance of the State's obligations under the contract.

I respectfully ask that a thorough re-examination of the condition and necessities of the prison and its appurtenances be promptly made as well with a view to the just determination of matters in contest as to the end that the present efficient management of the institution may receive the enlightened and increased support it justly merits.

The want of funds for the purpose, induced me to withhold my approval of the appropriation made by the last Legislature for the erection of prison work shops and other purposes. I now recommend that the appropriation asked for be made, in view of the funds available and in early prospect.

#### REFORM SCHOOL.

The tenth annual report of the State Reform School sets forth very fully and clearly the objects of that excellent institutions, as well as the plans proposed and means requisite for their realization, to which your attention is respectfully requested. I ask your special consideration of the recommendation that this institution be placed upon the same footing as that upon which the other reformatory and charitable institutions rest. As it is exclusively the property of the State, its managers being appointed by the Governor and its management controlled by State authority, there seems to me no good reason why such a recommendation should not be granted. The presentation of bills to the commissioners of the counties sending youth to this school elicits unfriendly criticism of an institution which would otherwise call forth nothing but those expressions of approval and sympathy which its merits warrant, and thus tends to impair its usefulness. Another serious objection to the existing regulations relates to the character of the offense which governs admission to the institution. The provision which hinders commitments for incorrigibility tends to fill the school with young criminals alone, and hence operates to lower the character of the institution. To these, and other suggestions of the managers, your attention is earnestly requested, as it is to the detailed information relative to

the practical modes pursued in furtherance of its reformatory work.

The whole number of youth admitted to, and connected with the institution since its opening is 313, and the number remaining under its control at the close of the year, 139. The permanent good accomplished and aimed at entitles it to the countenance and support of the State.

#### INSANE.

The several reports exhibiting the condition and wants of the Hospital for the Insane, afford food for reflection. The capacity of the permanent building has already been reached and passed, and temporary accommodations have been resorted to for the admission of its over-crowded patients. The number of inmates under treatment at the beginning of the past year was 434; the number admitted during the year, 253; the number discharged, 157, and the number remaining at the end of the year, 530.

It will thus be seen that immediate action looking to the establishment of another asylum becomes imperative. Of all the State institutions this presents, undoubtedly, claims of the greatest urgency; and as there are so many requisites to the selection of a site and suitable locality, which require time to successfully meet, I cordially endorse the recommendation of the Trustees for the immediate appointment of a commission for the prompt consideration of the whole subject. The full accommodations even of the temporary buildings will speedily be occupied, and the matter will clearly admit of no postponement. The various suggestions with copious information for their proper apprehension, touching the unfortunate class committed to our care, are worthy of considerate judgment.

#### BOARD OF HEALTH.

The report of the Board of Health for the past year is a complete and detailed presentation of the important matters committed to their charge. The information and suggestions they offer are invaluable aids to the promotion of the proper sanitary condition of our various public institutions, and should have due weight in the planning of changes and new structures. I commend their report to your due consideration.

## THE INEBRIATE ASYLUM.

The report of the Board of Directors of the Minnesota Inebriate Asylum is herewith submitted.

The late decision of the Supreme Court reaffirming that previously made as to the validity of the statutes organizing the institution, takes the question out of the sphere of litigation. The work of the board for the past year has been that of preparation for the main design, and appears to have been conducted with carefulness and discretion.

A farm of 160 acres has been purchased near Rochester at a cost of \$9,000. The foundations for two adjoining buildings have been laid, upon which it is intended to erect superstructures in the spring of sufficient capacity to demonstrate by experiment whether such an institution in our State is as needful, and will be as valuable as many believe. Perhaps little, if any, additional legislation will be required to give the enterprise a fair trial.

## DEAF, DUMB AND BLIND.

From the report of the Superintendent of the Institution for the Education of the Deaf, Dumb and Blind it appears that the total attendance during the year was 125, of whom 103 were in the Deaf and Dumb Department, and the remaining 22 in the Blind Department. The statistical classification of the pupils, their condition and characteristics, and the needs, aims and transactions of the institution, are detailed at length by the several documents composing the fourteenth annual report. The directors ask that the current appropriations be increased to \$28,000, and that the further sum of \$40,000 be granted for the erection and enclosure of the main centre of the building for the deaf and dumb. In addition to the need of enlarged quarters, the necessity for protecting the basement already constructed, is given as a reason for erecting the proposed superstructure.

For want of the requisite funds I declined to approve the appropriation voted by the last Legislature for this purpose. If upon careful consideration you should deem the desired grant justified by the present and prospective condition of the treasury, I recommend that it be made. No needful aid within the means of the State should be withheld from a class of unfortunates appealing so forcibly to our sympathetic care; while the character of the management guarantees the faithful and judicious use of all funds designed to promote the enlarged usefulness of the institution.

## SOLDIERS' ORPHANS.

Another charge upon the care of the State are the orphaned children of its soldiers in the late war. Every patriotic and grateful impulse is appealed to for the tender guidance and protection of these destitute children, to which I assume you will give a favorable response. The plan of operations of the Trustees, and the condition and progress of the children under their care, are fully and satisfactorily set forth in the report, to which your attention is directed. The maintenance and instruction of these children will compare favorably, in point of economy and efficiency, with those of any similar charge elsewhere. There have been seven admissions and twenty-four discharges during the year, leaving fifty-nine inmates at its close.

## SUMMARY.

I took occasion, one year ago, to repeatedly express my conviction of the imperative necessity existing for the practice of persistent economy, officially and privately, as the first essential to recovery from widespread embarrassment. I rejoice at the indications now everywhere afforded, that this salutary work of retrenchment has earnestly begun. The more considerate disbursements on public account, and the curtailment of individual living expenses, alike evidence the prevalent movement for reform. Whatever degree of success may result, the tendency at least is in the right direction. Persistence in this course must, sooner or later, solve the vexed problem with which all practical affairs are more or less concerned.

But a discriminating apprehension of these matters will not confound economy with parsimony. Indeed, due practice of the first precludes occasion for that of the second. The truest economy is not infrequently shown in generous expenditure. The brief review I have made of the condition and wants of our various educational, charitable and reformatory institutions, suggests the familiar considerations which should guide our treatment of them. I need hardly invoke at your hands a wise, broad liberality towards them. Such a course is obviously both just and politic; but it cannot be safely followed without the practice of the economy that accumulates the enabling means towards the desired end. It was specially with a view to such means and ends that I have so often plead the necessity for retrenchment.

## IMMIGRATION.

In my last message I endeavored briefly to set forth the importance of taking suitable measures for the promotion of immigration, and as the most effective means to that end, that our State should make a thorough display of convincing evidences of her resources and attractions at the National Centennial Exposition at Philadelphia. The Legislature saw fit to decline to take the action recommended. The observations and events of the year have strongly confirmed the conviction then entertained respecting the wisdom of the adoption of such measures.

The failure of Minnesota to be properly represented at the International Exposition will prove, I fear, not the blunder of a day, but the lost opportunity of a century; and in my judgment it is incumbent upon us to endeavor to repair, as far as may be, the consequences of an error, we will not soon cease to deplore. Kansas and other competitors with us for immigration lie nearer the central route over which immigrants seek their new homes. They are lavish with their means and efforts to publish their advantages to the world. They made such ample display at the World's Exposition, of products attesting their fertility of soil, as served to attract the attention and elicit the admiration of large classes from whose influence the greatest benefits may be expected. Unless persistent efforts be put forth to advertise our advantages and correct misrepresentations respecting us, these rival States will inevitably secure to themselves many of the immigrants who are naturally attracted to our State. If we recognize population and the development of our unoccupied lands as the first essentials to our material prosperity, we cannot afford to be idle while our neighbors in friendly competition wrest from us these first means toward such prosperity.

I leave for your deliberation the choice of the methods best adapted to the object sought. The experience of other States is that the sending and maintenance of agents in New York or in Europe, is followed by no results at all commensurate with the expense involved. Until a comprehensive and systematic scheme shall be happily devised and put in successful operation, I suggest that the revision and republication of the excellent State immigration pamphlet, coupled with adequate provision for its wide distribution, would afford a cheap, practical and ready means toward the desired end.

## TREE PLANTING.

As a practical consideration pertaining to the inducements offered to immigrants, I cannot forbear to express my satisfaction with the action of the last Legislature for the promotion of tree culture, and with the excellent results following it. By the support given the State Forestry Association, especially shaped by the efforts of its indefatigable secretary, a comprehensive movement has been begun for the prosecution of this important work. About 1,350,000 forest trees were planted on our legal arbor day, and from seven to ten millions more, it is estimated, during the season of 1876. It is to be regretted that through the changed management of the St. Paul and Pacific Railroad the noble work in tree planting prosecuted by the First Division of that company has been stopped. Is it not incumbent upon the State to supply the place of the force thus withdrawn from this enterprise? It is difficult, in my judgment, to exaggerate the ultimate benefits to be reasonably expected from the successful prosecution of tree culture. Succeeding generations will honor the men through whose comprehensive foresight our fertile prairies shall have been mantled with inviting groves, completing with their beauty and utility the features alone lacking as requisite for the abode of a prosperous people. I invoke your further aid in this matter by whatever practical means may commend themselves to your judgment.

## DISHONORED BONDS.

In my first message communicated to your honorable body one year ago I took occasion to urge the performance of a long neglected duty on the part of the State in respect to the adjustment of our dishonored railroad bonds. Time, reflection and further knowledge of the evil of practical repudiation, have served to deepen my conviction of the solemn obligation resting upon us in this matter: and I feel it to be my duty to reiterate the recommendation then made, and to emphasise the reasons given for the prompt performance of an imperative duty.

Indeed, I regard it as the *first* duty of an Executive to guard with zealous care the good name of the commonwealth whose sacred interests are committed to his charge; and I can therefore suffer no suitable occasion to pass without renewing an earnest injunction for the performance of a duty the neglect of which constantly prejudices our standing among the reputable states of the Union.

The reiterated verdict upon this subject, converging in its conclusions both the highest adjudication and the deepest moral and religious convictions, seems to me to be so conclusive as to leave little or no room for an honest difference of opinion. But, in order to dispel any possible doubt respecting the legal aspect of the question, I present a summary of the legal recognition of the validity of the bonds, by implication, precedent and express decisions of the highest judicial tribunals.

However it may have been with individual and party action respecting a recognition of this indebtedness it may be safely affirmed that the State herself, acting in her strictly sovereign capacity and through her legally constituted authorities, has at least by strong implication uniformly affirmed the validity of these bonds without deduction for fanciful or imaginary equities. Her action in obstructing the actual liquidation of the bonds is itself a confession of their validity, since if they were invalid that fact alone would be conclusive against their payment. She again affirmed their validity when, instead of relying upon the forfeiture clause of the constitutional amendment for remedy she elected to foreclose the mortgage securing the bonds. She again implied their validity when she refused power in 1860 to compel certain banks holding the bonds as security for circulating notes, to make good the deficit resulting from their depreciation. The validity of the bonds was again implied when in 1860 the State authorities refused to abate taxes upon them on the ground of their questionable validity, and she has repeatedly implied their validity by taxing them at their face.

But we need not rely upon implied or indirect support of the validity of these bonds. The courts have repeatedly affirmed this in express terms. The validity of the foreclosures of the instruments securing the bonds, and of the titles of the present companies based thereon, was sustained by the Supreme Court of this State in the case of *Parcher* against the First Division of St. Paul and Pacific Railroad Company (14th Minn. Rep., page 297) and a long line of decisions with which our reports are filled. If these bonds were void the titles resting upon them would be worthless.

Upon a denial of the validity of the bonds made upon the ground of the illegal incongruity of a *State* Legislature uniting with a *Territorial* Governor in the passage of the bond measure Judge Dillon, of the United States Circuit Court, disposed of the question in the following energetic language:

“That the bonds held by the plaintiff are the legal obligations of the State, and binding upon it in law, honor, and justice, I

have no doubt. Indeed, counsel have not seriously questioned that these bonds were valid. They were issued pursuant to an amendment to the Constitution of the State, adopted by a popular vote of about thirty-five thousand for, to eight thousand against, have been repeatedly recognized as valid by subsequent legislation of the State, and by the foreclosure proceedings. Under these circumstances, the fact that it does not appear that the acting Governor of the State signed the bill providing for submission to the people of the loan amendment to the Constitution, is a matter of no consequence. In the amendment to the Constitution, the faith and credit of the State are pledged for the payment of the interest and the redemption of the principal of the bonds. They are signed by the Governor, and bear upon their face the seal of the State. They were issued to the plaintiff and others for grading and work actually done upon the roads, at the rate specified in the constitutional amendment; and the State obtained the benefit of the securities it took for its indemnification, and re-granted the property it acquired, free from all liens, to the present companies. Under these circumstances, if the State were suable in the courts, there can be no doubt that the bonds would be legally enforceable against it. Justice and honor alike require the State to recognize these bonds as binding upon it, and in the end the court cannot doubt that the people of the State will so ordain. A State with such a future before it as the State of Minnesota, cannot afford to bear the odium of repudiation, and if there were no other difficulties in the plaintiff's way except the suggested one that his bonds are invalid, he will be entitled to the relief demanded."

It has been intimated by certain newspapers that the distinguished jurist who delivered this opinion, went outside the record to read the State a lecture upon her duties in the premises; a careful examination of the record will, it is believed, show that this charge is unjust; but, however this may be, it will be conceded that the highest tribunal in the land, as at present constituted, has established no precedent which would justify such a charge. The case having been decided against the plaintiff in the Circuit Court, an appeal was promptly taken to the Supreme Court of the United States.

The question of the constitutionality of the concurrent resolutions of the State Legislature of 1860, forbidding the payment of the bonds without a prior affirmative vote of the people, coming directly before the United States Supreme Court, such concurrent resolutions were pronounced void, because in violation of the contract the State had made with the old companies.

In this state of the case the court decided as follows:

"The faith of the State, solemnly pledged for the payment of both principal and interest, has never been kept. So far from

keeping it, the State as early as November 1860, adopted an amendment to its Constitution prohibiting any law which levied a tax or made other provision for such payment from taking effect, until the same had been submitted to a vote of the people and been adopted by them. This prohibition, if not a violation of the State's pledge, conflicts with its spirit. The bonds issued are valid obligations. The State is bound by every consideration of good faith, to pay them. Were she amenable to the tribunals of the country as private individuals are, no court of justice would withhold its judgment against her in an action for their enforcement."

"The State was primarily liable to the bond holders; and it was only between her and the companies that the relation of principal and surety existed. It may be doubted whether the bondholders could call upon the company in any event."

It has been intimated that these decisions were obtained by collusion between the plaintiff and the companies to obtain a decision against the State; the character of the counsel engaged, as well as that of the tribunals before whom the cases were pending, forbid such a suspicion, and is a sufficient answer to such an insinuation.

The complaint that she was not a party to the litigation surely comes with bad grace from a State which has refused repeated invitations to submit her pretended defences to the scrutiny of the courts, and, wrapping the mantle of her sovereignty around her, has always carefully avoided all investigation. The plaintiff, it may be supposed, would have been only too willing to have made her a party, had it been possible.

In the case of *Farnsworth vs. the Minnesota & Pacific Railroad Company et al.*, the court said:

"The adoption of the constitutional amendment of 1860, certainly had the effect to impair the value of the bonds of the State: but it is the holders of those bonds who had the right to complain of this proceeding, not the company nor the trustees under the deed in suit. The holders of those bonds looked in the first instance to the State for payment; the State was primarily liable to them, and they were therefore injuriously affected by the amendment."

It is difficult to see why these decisions do not effectually dispel the clouds and mists which have so long enveloped the subject, leaving the golden line of duty stretching out clear and distinct before the representatives of the people, and the State of Minnesota must hereafter stand dumb when questioned as to why she does not walk by it.

With such unmistakable and imperative commands from the voice of law, equity and honor, is the question not reduced to the simple

one of our *willingness to pay an honest debt?* And can our young State, with so fair a future, as a member of the sisterhood in this triumphant era of the nation's centenary, afford to rest under so damaging an imputation?

In my last annual message I pointed out the practical means by which we can readily follow this plain path of duty. I now commend the subject once more to your considerate attention and I earnestly invoke such prompt and honorable action as becomes the representatives of an honest and Christian people.

#### BIENNIAL SESSIONS.

I recommended to the last legislative session the submission to the people of a proposal for a constitutional amendment providing for biennial sessions of the Legislature. Information of the practical workings of such alternate assemblages in other states, as well as further reflection upon the subject, have so far confirmed my conviction of the wisdom of such a change, that I feel impelled to renew the recommendation. The plan seems to me to possess every advantage in point of economy and in the avoidance of hurtful tampering with laws before they have been long enough in operation to test their character. Biennial sessions are held in about fifteen States of the Union. The fact that several of these states are younger than Minnesota, impairs the practical force of any objections that may be urged on the ground of the constructive and experimental necessities of new States. I again commend the subject to your candid consideration.

#### JURY POWERS.

I briefly adverted, in my former message, to the unsatisfactory operation of the existing law relative to the power of juries in the punishment of capital crimes. The objectionable features of the law were fully and forcibly dwelt upon by my predecessor, in his two last messages. The evils of the law thus repeatedly set forth were emphatically illustrated by a recent event, with the particulars of which you are all familiar. The audacious attempt at bank robbery at Northfield, resulting in the death of two citizens and the wounding of a third, under circumstances of peculiar atrocity, failed to receive the punishment which both the legal and the popular verdict would have demanded, owing to the peculiar defects of this law. By the simple plea of guilty, the perpetrators of a double crime richly deserving death, escape that penalty by preventing the case from reaching the jury, who alone can inflict it.

No cogency of reasoning founded upon a theory of law can prove so forcible as such an experience of its practice ; and I cannot believe you will longer hesitate to act in a matter so plainly requiring your intervention. Aside from the question as to the rightfulness of the death penalty, a law which is so liable to abuse, and which adds to the ordinary uncertainties of the administration of justice, demands prompt alleviation or amendment. It offers a constant temptation to the worst criminals to cheat justice of its due, by making choice of their punishment upon their own plea ; and unless the evil be corrected, we may reasonably expect in future an increased resort by culprits to the easy expedient of avoiding all risk of death by choosing the certainty of imprisonment which, in turn, may prove an uncertain penalty, in view of the chances which cling to life.

#### NORTHFIELD OUTRAGE.

As you will be asked to appropriate the amount of the reward offered for the apprehension of the authors of the Northfield outrage, it may not be improper to detail here some of the circumstances which induced the action taken in that matter.

On the sixth of September last a band of eight men, thoroughly armed and mounted, entered the village of Northfield, in this State, and in midday, while some of them sought to overawe the citizens by boisterous intimidation and reckless firing in the streets, causing the death of one person, the remainder attempted the robbery of the bank. The attempt was frustrated by the heroic firmness of the acting cashier, who paid the penalty by the forfeiture of his noble life. The delay thus afforded gave time for a rally of the citizens, who shot two of the bandits and compelled the others to fly. The alarm of the citizens widely spreading, the robbers were closely pursued but they succeeded in eluding immediate capture. Upon being advised of the event I at once offered a reward for the capture of the perpetrators, but presuming their speedy apprehension probable, from the accounts that reached me, I limited such reward to \$1,500 for the culprits still at large.

The robbers still continuing to elude their pursuers I subsequently increased the reward to \$1,000 for each culprit, the same to include all expenses of capture. Pressing requests were made of me for the employment of the militia, and other military forces, but I deemed it an occasion for detective vigilance and celerity of movement rather than the exercise of military force,

which would have entailed much expense upon the State without increasing the chances of capture in the absence of special incentives. After a lull in the excitement of pursuit and a delay leading to the fear of their final escape four of the remaining robbers were finally overtaken, driven into a swamp, and while one was killed the other three were wounded and captured.

The prisoners received their trial at the November term of the District Court, of the Fifth District, plead guilty to the crimes with which they were charged, and were sentenced to imprisonment for life. Conflicting claims have been made for the reward offered for the capture of the robbers, which could not be granted, both because I could not determine their relative force, nor pay them if determined until the requisite appropriation should be made by you.

I solicit your early attention to this matter, and suggest the appointment of a commission to hear evidence and determine the just apportionment of the reward. I deem it a source of congratulation that a band of desperadoes, who have pursued a long career of crime, and who by their daring, adroitness and disregard for life, have eluded the justice of other states and kept a large extent of country in constant alarm, have at last been overtaken by justice. It is not too much to claim the result as due to the persistent energy and courage of our citizens, and to that love of justice and respect for the sovereignty of law which are the safeguards of popular institutions.

Our people have performed a service in behalf of these, not merely for themselves, but for the less fortunate communities where such defences are less reliable. Nor can I dismiss this subject without adding a word of commendation to the just tributes which have been paid to the conduct of the brave man whose name will ever hold honorable connection with it. No tale of Greece or Rome, nor the annals of heroism in any age, recount a deed of nobler personal sacrifice. Without the pomp and emblazonment which so much impel to deeds of daring, Mr. Heywood opposed gentle firmness to brutal diabolism and calmly made choice of death in preference to life purchased at the cost of its severest fidelity. In that sacrificial act he exhibited not alone exalted courage, but such attributes as attest all the nobler possibilities of human nature.

I rejoice that popular appreciation of the deed is taking the practical shape of testimonial contributions in aid of the bereaved family of the deceased.

I suggest as a testimonial to another meritorious actor in this

affair, that the Norwegian youth to whose sagacity, daring and speed, is due the prompt alarm of the citizens which led to the final capture, be maintained and educated at the University of Minnesota, as the State's acknowledgment of his valuable services.

#### COUNTY ORGANIZATION.

The absence of any express provision for the practical organization of counties which have been formally established by law, has led to much confusion and irregularity, and sometimes to contests between two sets of officers claiming their regular elections by the people. The old territorial statute, which explicitly provided for the first operation of county government, was repealed or so modified under the revision of 1866, as to indicate no method of procedure, and to divest the Governor of any express authority to the end proposed.

Where there has seemed an urgent necessity for speedy county organization it has been the practice of the Executive to exercise the implied but doubtful power to appoint commissioners for such county, and to authorize them to appoint other county officers and set the machinery of county government in motion. The proceedings thus taken in advance it has been customary to legalize by a subsequent act of legislature.

They seem to me to be liable to abuse, and I recommend that all steps for the formal organization of new counties be presented and regulated by express provision of law.

#### FRONTIER ELECTION PRECINCTS.

The necessity for a proper regulation by law of all matters pertaining to the organization of counties, will be especially seen in relation to the establishment of election precincts. A former law provided that upon the petition of ten resident voters in any unorganized county, the Governor should proclaim and publish the formal creation of the precinct asked for. This law having been repealed, the voters in such counties were left without opportunity to exercise the elective franchise. In this emergency the Governor has sought to afford such opportunity by a temporary organization of the county by the appointment of commissioners, who, under existing laws, are authorized to establish election precincts. This was done under the doubtful authority referred to, which seemed to be the only means of preventing the practical disfranchisement of legal voters. But it is obvious that besides be-

ing liable to abuse, such a procedure, in the event of a closely contested election, might lead to serious trouble. I solicit your due consideration of a matter requiring lawful regulation.

#### GRASSHOPPER QUESTION.

The extended and increasing destructiveness of the locust or grasshoppers is a matter of portentous and vital concern for the interests of agriculture. With a constantly encroaching area, these insects now occupy more or less of the vast region lying between the Mississippi river and the Rocky Mountains, between Hudson's Bay and the Gulf of Mexico. They invaded no less than sixteen States and Territories during the past year, including indeed, seven States east of the Mississippi. Their mysterious habits, the celerity and evasive nature of their flights, their inconceivable numbers, and their insatiable rapacity combine to render them a national scourge which demands a national remedy. Against such an enemy indeed, while it may be doubted whether any human agency may avail, it is certain that unless speedily checked nothing less than the combined power, ingenuity and resources of State and nation can be successful.

In our own State while there was less complete devastation in any single locality in 1876 than in some prior years, the ravages of the insects were more widespread and their eggs deposited in a greatly increased area.

Deeply impressed with the gravity of the situation, I applied myself to the collection of information and to the study of the subject, by which I was led to two principal conclusions, first, that so far as concerns the insects hatching out in our own soil it is entirely practicable, by assailing them, at every stage of their existence from embryo to maturity, to so far exterminate them and guard against their attacks, as to secure substantial exemption from their ravages. Second, that against the full fledged swarms which unheralded swoop down upon us from abroad in such myriads as to defy human reckoning, man with all his resources can but stand helpless and aghast. Acting promptly, pursuant to my first conclusion, I embodied in the form of a proclamation information of the several expedients which had been found most successful and practicable and which I had obtained by correspondence and personal consultation and observation, and caused the same to be extensively circulated throughout the State for the information of those most directly interested.

That the effect produced was salutary, chiefly by the suggestion

of a practical defense, which awakened new hope among the sufferers, I received gratifying assurances from various quarters in our own and other States. With reference to my second conclusion, convinced of the futility of isolated effort, I sought to enlist a combined and simultaneous movement on the part of all the suffering States and Territories; and with this view I invited to a personal conference their several Governors, as well as scientific and practical men interested in the subject, in the hope that by the collection of information and a thorough interchange of views a concert of action might be secured for the enlistment of both State and national aid in furtherance of the end desired. Favorable responses having been obtained, the conference took place at Omaha, Nebraska, on the 25th and 26th days of October last, and in point of attendance, in the interest and information elicited, the remedies suggested, and the harmonious action secured, proved a success beyond my expectations. Its journal of proceedings, together with its several modes of action and its practical recommendations, will be seen in a printed pamphlet which will be laid before you. To this publication and its various suggestions and recommendations I ask your respectful attention. The action it contemplates to secure Congressional aid, has already been taken. Pursuant to the further action of the conference urging co-operative State legislation, and in view of the facts already elicited and the promise of the practical results to which they point, I feel warranted in recommending the passage of a carefully prepared law for the payment of bounties for the collection and destruction of locust eggs by the gallon or bushel, and for the catching of the young insects, with rewards to be graded to their age and size, the expense to be apportioned and borne equally by the State and by the several counties and townships immediately concerned. To aid in the preparation of a law of this character, various recommendations relative to the bounties to be offered, and other practical details, may be found in the pamphlet referred to.

In perfecting the details of such a bill discrimination should be made, if practicable, in favor of such counties and townships as, by reason of the successive devastation already sustained, are too impoverished to support their share of the burden.

I furthermore recommend a careful revision of the present game laws, in order to forbid the wholesale destruction of such birds as render valuable assistance by feeding upon eggs and insects; and I suggest that townships be authorized to tax themselves for the construction of extended protective ditches, and of fire guards against the untimely destruction of prairie grass, to the end that

the young insects which seek its protection may be destroyed by its seasonable burning. I also ask you to enquire whether it may not be advisable to offer a reward for the invention of the cheapest and most effectual machine for catching the unfledged insects, to be awarded by a commission of experienced men. I moreover direct your attention to the recommendation of the conference respecting an examination or survey of the State "to ascertain just those portions of each county in which the eggs are most thickly laid," with a view to proper preparation for threatened injury and thorough organization for intelligent co-operation.

For this and other purposes, it will be observed, the conference recommended the appointment of a commission to visit the several localities and report the result of their observations; but it occurs to me that this service may, perhaps, be performed with more satisfaction and economy, and with equal efficiency, by persons to be appointed by the commissioners of the several counties or other local authorities of the districts immediately invaded, and I therefore prefer to refer the whole matter to your supervision. I call your further attention to the recommendation of the conference that in the event of the appointment of a national commission for the investigation of the locust problem, each of the interested States and Territories appoint a commissioner for co-operation with such national commission. I think it would be wise to appoint such a commission for this State in the event named.

With respect to the question of granting the aid of the State in any shape to past or future sufferers, the many considerations involved constrain me to speak with much hesitancy. So far as relates to such counties as have sustained but one or even two years' loss of crops, or whose territory has been but partially devastated, I submit that every instinct of self-respect, of expediency, justice and common humanity, should impel such counties to the maintenance of the afflicted within their own limits, through such agencies as the county authorities may provide. But in such counties as have been totally ravaged for four successive years, such a course is impracticable. In these all alike are poor, and the levy of taxes, instead of burdening the strong to help the weak, simply comes back upon the sufferers themselves who are already over-borne in the struggle for the direst necessities of life. Hence, a serious problem demands urgent solution. A generous Christian people cannot ignore their claims, or be blind to their sufferings. And just here the danger lies. Poverty and deprivation are incidents of frontier life at its best. With a general distribution of aid falling ultimately upon the property of the whole

State, many persons, themselves tax-payers and asserting their rights as such, and who have experienced inevitable frontier hardships, but who are nevertheless far from destitute, are tempted to share the support intended only for the utterly helpless. From this it is but a step to habitual beggary, and but another to confirmed mendicancy. Thus by imperceptible degrees that helpful pride and self-respect which are the chief stay of an independent people, become undermined, and an irreparable injury is inflicted where kindness was intended. The demoralization of a class fully capable of self-support becomes thus inevitable; and I know of no more deplorable mistake, whether for the community at large or for those sought to be benefited, than such well-meant but ill-advised tender of assistance as inevitably tempts the cupidity of the unscrupulous and disables the willing hands of the worthy.

Impressed with these considerations, and entertaining serious doubts of the constitutional power of the Legislature to grant the aid proposed, which are confirmed upon examination and reflection, and in the absence of available funds for the purpose, I feel impelled to firmly discountenance a resort to that mode of frontier relief. But these difficulties and objections, so far from absolving us from our duty towards a people repeatedly afflicted through no fault of their own, if possible, render the more imperative our obligation to attempt in some form the alleviation of their sufferings.

The first step to this end being the possession of the proper information respecting the actual condition of such sufferers, I recently visited a portion of the ravaged territory, and by mingling with the people around their hay fires, witnessing their scanty clothing, and partaking of their humble fare, became thoroughly satisfied of their destitute condition, as well as of their noble patience under severe afflictions. Many of the former residents, through improvidence, misfortune, or discontent, have been compelled to absent themselves, but those who remain evince fortitude, self-reliance, and deference for each other in their doubtful struggle for existence, such as entitle them to our tenderest consideration.

Feeling the urgent necessity of immediate action, I decided to make an appeal to the humanity and Christian charity of the people at large, and to that end issued printed circulars to religious denominations, and associated and individual benevolence, setting forth the facts and asking their aid. To this appeal there has been a gratifying response, and I have good reason to hope that much actual suffering will be averted throughout that portion of the ravaged frontier which has suffered continuous devastation.

If you could properly supplement this by postponing the requirement for immediate tax payment; by suspending the operation and remitting the severe penalties of the present rigorous tax law; by reducing the compensation paid for the very slight duties performed by the local officers in those counties; by discrimination in their favor in the distribution of the internal improvement and other funds, and by other indirect means of lessening their present burdens, it would operate as additional aid to a deserving and long suffering people.

In this connection I cannot refrain from an expression of my severe reprobation of the practices of a class of money loaners, who, by their extortions and the merciless sacrifice of securities upon default of borrowers, add to the sufferings of these people. In some of the towns of the ravaged districts not only is the farm of nearly every resident incumbered, but scarcely a cow, horse, team, or farming implement is uncovered by a chattel mortgage, and the summary remedies pursued by these money loaners often strip a helpless family of its last defense against impending starvation. Another class of oppressors of these people are the agents of certain agricultural machines from other States, who, under fair promises of great leniency towards buyers, if unfortunate, induce farmers to purchase more than they need, taking from them notes with peremptory conditions, and then, immediately, upon non-payment, enforce their inexorable forfeitures. I am not aware that a practical remedy can well be found against either of these evils. Respecting the first, if the penalty against usurious interest were increased, and the forfeiture of the excess facilitated, the effect would probably be to defeat the lending of money altogether to the distressed borrowers and drive the lenders to other localities, since money will seek investment where the best interest and amplest securities are offered; but it is, nevertheless, a source of regret that toward these necessitous persons such severe exactions and harsh procedures must be resorted to in either case.

#### TAX JUDGMENT SALES.

I respectfully renew a suggestion offered in my last message for such an amendment of the present tax law as will require the annual tax judgment sale for delinquent taxes, to be made upon a fixed and uniform day throughout the State, and that timely and conspicuous notice be required to be published of any approaching termination of the period allowed for redemption from such tax sale. This is due to a large class of property holders who, from

non-residence, sickness or other cause beyond their control, fail to realize the risk they incur of the forfeiture of their property.

#### AGRICULTURE.

While the abundance of her water power, and other advantages must eventually lead to great manufacturing industry in Minnesota, yet the controlling pursuit of her people will always be agriculture. Her capacity for all its leading products has been so thoroughly tested, and the comparatively small era yet developed has shown such marvelous productiveness, that the results of the widening future baffle computation. Her tractable prairies for the use of machinery, the friable character and rare fertility of her soil, her pure waters and nutritious grasses, the distribution of her timber, prairie and meadow—the healthfulness of her climate, and the vigor of her people combine to distinguish our State as an ample field for successful agriculture. It should be a leading object of the representatives of such a people to promote in all rightful ways the prosperity of this great interest.

I suggest that a leading movement in its favor would be found in a greater diversification of crops. While wheat as the fittest food for civilized man will doubtless continue to occupy the first place among our products, it can hardly be wise or safe for the farmer to narrow his chances to the risks of a single crop. Let our conceded advantages for stock and wool growing and for the several dairy products be employed systematically. While the results are less conspicuous than those of wheat growing, they are safer and more enduring. Let the farmer thus hold fast to the resources which beyond those of the followers of all other pursuits, give assurance against want. This assurance in our favored State is held out to all who choose to accept the free gift of land as a National bounty. To this the State adds the free gift of education, and nature crowns the munificence with health and vigor for their perfect enjoyment. In view of the paralyzed industries and the enforced idleness of the workmen that throng the streets of the cities, should not peace and contentment abide with the men who, by drawing their sustenance directly from the soil, become the architects of their own fortunes?

#### NATIONAL.

The ONE indivisible nation whose first and second birth was sealed with the blood of her people, has rounded the first century

of her existence, and stands to-day at the threshold of the second. The significance of the event provokes thought to seek utterance. The wondering nations of the world in this momentous era behold strange events. They have seen in a government of the people the liberation and enfranchisement of a chattelized race; they have witnessed the sudden disarmament of a victorious citizen soldiery, and its voluntary dispersion among the devotees of peace; they have beheld the peaceful adjustment between two powerful nations of a contest such as was wont to seek its summary end through the bloody arbitrament of the sword; they have witnessed the industrial triumph of the newest nation over her older rivals in the friendly arts of peace. Let us pray that we may complete their admiring wonder by a peaceful recognition of the nation's Chief in a momentous contest of doubtful issue. To this end, let each citizen have the nation's honor in his keeping, and attest by his proud moderation and concession to his fellows, that the equality of its people is the enduring glory of the nation.

JOHN S. PILLSBURY.

Executive Chamber, January 4th, 1877.