

INAUGURAL ADDRESS

OF

JOHN M. THAYER,

GOVERNOR,

TO THE

Legislature of Nebraska.

TWENTIEH SESSION.

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INAUGURAL ADDRESS.

Gentlemen of the Senate and House of Representatives:

My predecessor having presented a full review of the affairs of the state, it will not be expected of me to traverse the same ground. It will be sufficient to make some suggestions, accompanied with a few recommendations.

It is a subject for congratulation that you meet under favorable auspices, with the evidences of general prosperity surrounding our people. Coming together as the representatives of a state of wide geographical extent, with a large population and with extensive resources, especially in an agricultural point of view, it will be your duty to provide such legislation as the new and changed condition of things which arise in a young state may require.

THE ADMISSION OF NEBRASKA.

On the first day of next March, just twenty years will have passed since Nebraska was admitted as a state of the federal union. Those years have witnessed marked progress in its career. There were but twenty-two organized counties at the time of its admission. There are now seventy-seven. Those recently organized, as well as the older ones, have been, and are still, receiving large accessions of people. Lands previously regarded as useless have been demonstrated to be susceptible of a high degree of cultivation, and they have greatly extended the area of remunerative farming. The state has developed resources not anticipated by those familiar with its earlier history, and has advanced in material prosperity to a degree that has challenged the surprise even of those who had looked for a large and rapid

growth. It has passed several of the old states in representation in congress, whose people regarded its application for admission with jealousy and suspicion on account of its small population, and their expressed apprehension that it never could possess sufficient to place it on a footing with them in the exercise of national legislative powers. The results have justified the foresight of the people who favored statehood. Those who have been identified with its history from its very beginning, and those who have been connected with it in later periods, and all who have in any manner contributed to its present prosperous condition, can point with satisfaction to most beneficial results accomplished. No nobler part in life can be filled than that which helps to found communities and build a state.

THE EXECUTIVE OFFICE.

To be called to the executive office of Nebraska is a distinguished honor, and one which should be commensurate with the ambition of any of its citizens. To the people who have conferred this distinction upon myself in so marked a manner I express the profoundest gratitude, and they are entitled to and shall have my best efforts to serve the state faithfully.

THE DUTY OF LEGISLATORS.

In accordance with the provisions of the constitution, important and responsible duties now devolve upon you. The respective spheres of action of the executive and legislative departments of the government are clearly and distinctly defined, and the two should work in harmony. The legislature must frame laws and the executive must see that they are enforced without favor, enmity, or partiality. To pass such laws as the public interests demand, to repeal unjust laws, to amend defective ones, to protect the rights of all the people, whatever their condition, corporations or individuals, rich or poor, to see that the burdens of government rest alike upon all without favor or discrimination for or against any one; to provide for a just and equit-

able basis of assessment of all property; to secure a fair, just, and uniform system of taxation according to values and not according to ownership, as is sometimes the case, and to enact wise and judicious laws, must be your aims. The public interests must be the controlling purpose of the faithful legislator.

TO GUARD AGAINST HASTY LEGISLATION.

I desire to impress upon you, in a respectful manner, the necessity of giving attention early in the session to such matters as must necessarily come before you. It is a common fault with legislative bodies that the most important subjects for their consideration are deferred to the expiring hours of the session, and are then disposed of in scenes of hurry and confusion. Most of the uncertainty as to the meaning of statutes and their incongruities may be traced to this cause. No bill should pass into a law until it has first been fully considered, thoroughly digested, and clearly understood. Statutes should be expressed in terms so plain and unequivocal, so free from ambiguities, that there shall be no occasion for referring to the supreme court for interpretation.

OUR SCHOOL SYSTEM.

A wise forecast has provided Nebraska with the means of establishing and maintaining a school system, the advantages of which, we have reason to believe, are not surpassed by those of any state, and its endowment and its interests should be guarded with the most jealous care. It is a trite truth, but none the less true because trite, that our institutions, society, order, and good government depend upon the education and enlightenment of the people. Our educational interests should always have the fostering care of the legislature. It will be well for you to inquire whether any action is needed to increase still further the efficiency of our system. I do not mean that system which seems to regard the amount crowded into the mind as

of more consequence than a thorough understanding and comprehension of it, and which tends to dwarf the intellect, but that system which intelligently instructs and enlightens the pupil in regard to that which is being acquired and learned. When boards of education and educators will comprehend that the smallest amount of learning, intelligently explained and thoroughly understood, is much to be preferred to the large amount crowded upon the mind but poorly comprehended and unexplained, our educational interests will be largely benefitted. Thoroughness instead of quantity. Practical studies more than ornamental. The languages of the present instead of the aged past. More schools and fewer colleges. Let it be remembered that the high sounding titles do not create universities and colleges of the first class. They are the outgrowth of time, experience, hard work, and liberal endowment.

TREE CULTURE.

One of the pleasing features of civilization in this state is the planting and growth of trees. The increased value added to lands from this source cannot be over estimated. Nebraska led in this most useful work of raising groves and forests upon the prairies hitherto treeless, and is receiving the gratitude of the present, and will receive it from future generations. Owing to the rapid consumption of old forests, those who cultivate trees are helping to make provision for meeting future wants. Tree culture should be encouraged in every possible way.

NATIONAL GUARDS.

Universal experience and practice in the states, I believe, sustain the proposition that a well organized national guard is a necessary adjunct to the civil authority in a state. To be prepared for war is the surest safeguard against war. This is applicable to nations, but the spirit of it is applicable to the states. Every state should possess

within itself the means of asserting its authority and maintaining the public peace. We rely upon the civil power for the protection of life and property, the preservation of order and the enforcement of the laws. The military power must ever subordinate to civil authority, and can be used only as a last resort. When peace and order are overthrown, the laws violated, the civil powers defied and are powerless to suppress the disturbances, and life and property are endangered, then the employment of the military forces of the state is fully justifiable.

SECOND REGIMENT OF N. G.

I concur with my predecessor in recommending the organization of the second regiment of national guards and provision for annual encampments.

OUR STATE INSTITUTIONS.

I recommend that you cause a thorough investigation to be made of all the state institutions. This is not inspired by reference to any particular institution, nor by any information that they are mismanaged, but it is inspired by the general rule or principle that all penitentiaries, jails, asylums, houses of correction, reform schools, homes for the friendless, and poor houses should be the subject of careful inspection at frequent intervals. They are shut in from the world. The authority of those in charge is autocratic. Its exercise is unseen and unknown outside of the high walls surrounding. There is no one to question its abuse. The continued exercise of such power in such circumstances, and without restraint, oftentimes leads to tyranny and oppression. The people who support these institutions have a right to know, and to demand, that they be managed and controlled by enlightened and humane rules and regulations, and that those confined therein, whether from criminal, physical or mental causes, shall be under wholesome and beneficial influences and shall receive proper

care and treatment. Although the governor is not a member of the board of managers, I shall regard it as my duty to make frequent examinations into the condition of these institutions.

A SEPARATE ASYLUM FOR INCURABLE INSANE.

In this connection it may be stated that several eminent medical gentlemen have called my attention, and have requested me to present the subject for your consideration, to the necessity of making provision for the care and maintenance of the curable insane separate from those who are incurable. This proposition must commend itself to the sound judgment, the common sense, the humane instincts of every one who has given thought to this subject. It does not need actual demonstration to be convinced that the influence of association and contact of the hopelessly insane with those for whom there is hope of the restoration to reason, is most deleterious to the latter. Everything that humanity can dictate, the highest developments in mental science prescribe, the most enlightened studies of insanity can propose, must be done for these two classes of unfortunates. Hospitals for the insane are provided for the purpose of furnishing the necessary treatment for the patients—for the restoration of health to the body and the mind. Asylums for the insane are created for the purpose of providing safe retreats for the incurables, where proper and kind treatment shall be administered to them and where they shall receive every comfort consistent with their security and detention. There is no condition of human beings on this earth so pitiable, so deplorable, as in the condition of those from whom the light of reason has forever departed and who linger in life driveling idiots or raving maniacs.

Asylums for maniacal insane should be provided with all proper appliances. Binding patients to walls and floors with chains, confining them thus in iron dungeons from which they never emerge till death has relieved them, is abhorrent to every humane sentiment. The day for chains for these hapless beings has passed. In such in-

stitutions there should be padded rooms for the maniacal, in which they can do no harm to themselves or to others; light and airy rooms, from which the appearance of the dungeon can be as far removed as possible. This treatment of such unfortunates would increase their comfort, and would impart some satisfaction to the relatives and friends of such. I commend this subject to your earnest attention.

JAILS AND POOR HOUSES.

The board of managers of our state institutions are required to inspect them at frequent intervals. Grand jurors are required to inspect the jails, and make reports to the court, which sits but twice a year. It would be well if this duty could be performed at more frequent intervals.

It is noteworthy that more public attention and thought is being attracted to the subject of correctional and charitable institutions than has heretofore been given them. I trust that the session of the national conference of charities and corrections, which will meet in Omaha early in the coming summer, will disseminate beneficent influence in the state.

CRUELTY TO ANIMALS.

It is also noteworthy that increasing interest is manifested in the subject of prevention of cruelty to animals. Some legislation may be required in this regard, for, lamentable as the fact is, there are human brutes as well as dumb brutes.

RAILROADS AND CORPORATIONS.

That serious differences arise and antagonisms consequently exist between two important factors in all business enterprises should be a source of profound regret with every good citizen, for they cannot exist without inflicting great injury upon the general public. He who seeks to widen the breach between the two elements, between those

who employ wealth in private and public pursuits and the toilers whose labor makes that wealth effective in accomplishing the purpose intended, and thus array these two elements against each other, destroying confidence and frequently the public peace, is an enemy to public interests. He who employs his influence in efforts to remove causes of antagonism between the opposing elements, and to secure fair, just, and equitable adjustment of all such differences, is a public benefactor. Creating hostilities against railroads for the purpose of weakening them or inflicting injuries is not the surest way of securing release from burdens imposed by them. Railroads have been of vast benefit to this state. They have been the pioneers of civilization into this western section of the country and have advanced the settlement from a quarter to a half century beyond what it would have been without them. The people, having become accustomed to them and dependent on them, cannot dispense with them. They have come to be an absolute necessity in the economies of life.

But while doing justice to railroads and freely acknowledging their benefit, it must also be maintained that railroads must be so managed and controlled as to improve the interests of the people. While railways are a necessity to the people, the people are also a necessity to railways. The relations they sustain to each other must be mutual, and should be so adjusted that the interests of both shall be promoted and protected. Those who invest their means in railroad property have a right to expect a fair return on their investments. Those who labor have the same right to expect a fair reward for their labor, which is their capital invested. Railways should so arrange their tariffs of charges that farmers, grazers, manufacturers, merchants, and all who ship over them, can do so and receive a remunerative profit from their business. That familiar precept, "live and let live," should be the controlling spirit of all. If the managers of corporations and all who employ labor would always appreciate the conditions of the toilers, would manifest an interest in their welfare and seek to improve it, and would bestow a compensation just to the em-

ployes and commensurate with a fair return to the properties they represent, there would be less conflicts between them. If the people are subjected to oppressive charges by railroads, sleeping car companies, or other common carriers, and redress is refused by those who have the power to grant it, then the legislative powers of the nation and the state must interpose by applying the remedy, and see that it is enforced. The legislative power must always be exerted for the mutual benefit and protection of all the people. The same rules and laws which direct and control the assessment and taxation of the property of individuals, must direct and control the assessment and taxation of corporations. There must be no distinction or exemption. The people are masters, and must rule. In whatever legislation you may adopt care should be taken that no measure be passed which will cripple or hinder the building of railroads in Nebraska.

THE LABORING INTERESTS.

Any measure which enlightened statesmanship and an intelligent consideration of the subject can devise to elevate the condition of the laboring classes should receive from you the most thoughtful and favorable consideration. Our sympathies should ever lay with those whose lives are devoted to daily toil, for they are among the strong pillars of support to society and government.

The most practicable plan, in my judgment, for the adjustment of these difficulties is by the establishment of a board of arbitration.

All reforms must be worked out and accomplished by and through the law, aided by enlightened public opinion. If the laws are not sufficient, let them be amended, or new ones enacted. When one steps outside the law and attempts to secure redress by violent means he then becomes a law breaker, and forfeits his claim to public sympathy and support. The law will prevail. It may at times be set at defiance, but it will prove supreme.

PURITY IN ELECTIONS.

I pray you to consider whether any amendments to our present election laws are needed to render them more effective, to make their provisions more stringent, and their penalties more certain and severe against bribery at elections. There is reason to apprehend that this crime is increasing and that its very frequency is causing it to be regarded with leniency and indifference. It has come to pass that some men look forward to the coming of the annual elections as their financial harvest time, when they will seek to secure the highest price attainable for their votes, thus making the most sacred right of American citizenship the subject of barter and sale, thus sinking themselves to the lowest depths of moral degradation. The purchase and sale of votes is a crime of the most heinous character against the state, against society, against civilization. Prosecuting officers and grand juries throughout the state must realize that it is their duty to employ all means in their power to suppress this great wrong. Men who will purchase and sell votes in primary elections, municipal elections, county elections, state elections, congressional elections, in state legislatures, and in public offices should be exposed and held up to public reprobation. I submit to you the advisability, yea, the necessity, of making our election laws in this respect applicable to the primaries. In addition to calling your attention to this subject I shall indulge the hope that by giving expression to these views in this public manner the attention of the people may be awakened to a realization of the enormity of this evil, and that the full power of public opinion may be brought to bear upon prosecuting officers to perform their whole duty, and to sustain them in doing so.

AMENDMENT OF THE REVENUE LAWS.

It is evident that a revision and amendment of the present revenue law are necessary, especially in regard to the method of assessment and taxation, which is faulty, and liable to abuse. In its execution

there is inequality and partiality. It leads to dishonest and corrupt practice. There are many who will resort to every scheme, device, or deception which ingenuity can devise, yes, even to falsehood, to deceive an honest assessor, while they easily arrange matters with a dishonest one. They are guilty of that for which, under other designations of crimes, convicts are serving the state in the penitentiary, and yet they are honorable men, of course, and good citizens, though half or two-thirds of their property escapes taxation, and the assessors grow rich; and those property owners admire their own shrewdness in devising successful schemes to defraud the state.

Permit me to suggest a change in the basis of assessment. Let all taxable property, real and personal, be appraised and assessed at its full, fair, actual value. Then let the levy be made on one-third or one-fourth of its appraised value. If there is reason to believe that the owner is concealing any property to evade taxation, make it obligatory on the assessor to put him under oath with the pain and penalties of perjury attached. If the assessors fail to require the oath, let the assessor be punished with imprisonment.

By this plan the property of all will be treated alike, which is one of the highest aims of government.

THE EQUALIZATION BOARD.

It may be doubted that state officers are the persons who are best fitted to be members of the state board of equalization. They can at best have but a vague idea of the value of property in different and distant portions of the state. But if there could be established a board of commissioners of assessment and taxation, to be composed of one commissioner for the state at large and one for each county, who might be the chairman of the board of county commissioners or of the supervisors, who shall meet at the state capitol once a year, there would then be several members present from the section of the state from which the case of disputed assessment should come, and they

would be much better judges in such matters than state officers. Furthermore, property should be assessed by three disinterested persons. The power and the temptations are too great for one man to exercise and to meet.

COMPENSATION FOR STOCK SLAIN TO PREVENT THE SPREAD OF CONTAGIOUS DISEASES.

I submit that when animals are killed to prevent the spread of contagious diseases, they are killed for the public good; and therefore the public should bear its share of the loss. It is too great a hardship for the owners to bear it. They should be allowed by the state a fair compensation.

SUITS IN STATE INSTEAD OF UNITED STATES COURTS.

The attorney general in his report refers to the large number of suits in the United States courts which could be brought in the state courts with far less expense to the parties litigant. I submit herewith a memoranda which might be embodied in a statute which would result in bringing most of such suits in the counties where the defendants reside, and in case of foreclosure of mortgages, where the mortgaged property lies, and thus greatly reduce the cost to the parties.

PRINTING THE LAWS IN NEWSPAPERS.

I suggest that it will best accommodate the general public by providing for the printing of the laws in one paper in each county of the state, thus making them more accessible to the people, and much earlier than by waiting the printing of them in book form.

DISBURSEMENTS OF THE PUBLIC FUNDS.

Every safeguard should be thrown around all the expenditures of the public money. Every one in the service of the state is entitled to receive just what the constitution and laws provide as compensation

and no more. No one has any right to make money at the expense of the state.

Gentlemen—In every measure designed to advance the public interest, to lessen the burdens of the people, to secure the blessing of education, temperance, and the happiness of the citizen, and to promote the public welfare, you will have my hearty co-operation.

The public weal, equal and exact justice to all the people.

JOHN M. THAYER.

Lincoln, January 6th, 1887.