



GOVERNOR CHARLES H. DIETRICH

INAUGURAL ADDRESS

OF

GOVERNOR CHARLES H. DIETRICH

TO THE

Twenty-seventh Session of the Legislature of Nebraska.

JANUARY 3, 1901.

To the Senators and Representatives, Twenty-seventh Session of the Legislature of Nebraska:

As your chief executive, I herewith submit for your consideration the following recommendations:

By the Constitution, as adopted in 1875, provision was made for six judges of the district court, which number, the legislature in the exercise of its constitutional authority has increased to twenty-eight, at a cost to the state of about \$115,000 per annum. It is generally conceded by members of the legal profession that a material reduction in the number of district judges can be made without affecting the adjudicating capacity or the efficiency of the judicial branch of the government.

There are nearly one thousand seven hundred cases ready for trial before the Supreme Court, and it is estimated that it will require about eight years before any new action brought can be prosecuted to judgment. It is well known that persons aiming at the adjudication of equitable claims are being made the prey of unscrupulous and irresponsible contestants by reason of the delay incident to the congested condition of the Supreme Court docket, thus entailing unnecessary hardship and loss upon legitimate claimants, at the same time discouraging investment of capital, and making it difficult for the honest borrower to obtain loans. This is an abuse of justice which impairs the credit of both the state and the individual, and which neither the state nor the individual can afford to license. Innumerable cases now pending before the supreme and districts courts would be dismissed if a speedy trial could be had, and knowledge of the fact would

no doubt greatly restrain litigants in the future. I therefore recommend, with a view to temporary relief, that an act be passed empowering the Supreme Court to appoint referees whose duty it shall be to assist said court, and whose tenure of office shall be for the immediate biennium. I also recommend the submission to the voters of the state of a proposition to so amend the Constitution as to empower the legislature, under proper restrictions, to provide for such an increase in the number of judges of the Supreme Court as shall insure permanent relief.

The laws of Nebraska need amendment in many essential particulars, and should also be codified. I recommend the creation of a commission of suitable persons, learned in the law, to submit for the consideration of the next legislature a codification of our laws and suggestions of changes where necessary, and to also prepare a revenue measure providing for an equitable taxation of all property throughout the state.

Sec. 26 of art. 5 of the Constitution should be so amended that the legislature shall have authority to create a State Board of Control for the management of our state institutions, and I therefore recommend the submission of an amendment of that purport to the people without unnecessary delay.

Your attention is directed to the Pan-American Exposition which is to be held at Buffalo, N. Y., this year. A reasonable appropriation to be used for advertising the resources of our state will meet with my approval.

Nebraska should be properly represented at the Exposition to be held in St. Louis in 1903, and a liberal appropriation should be made for that purpose.

Your attention is hereby directed to the inadequacy of the law applying to the crimes of kidnaping and child stealing. I would recommend that the law be so amended as to make kidnaping or child stealing a felony, punishable by imprisonment in the penitentiary for a period of not less than five nor more than thirty years, that the age limit be removed, and that the unlawful or forcible holding in captivity of any person at a place other than the natural or lawful domicile or abode of said person shall constitute the crime of kidnaping. I also recommend that an appropriation be made, to be placed at the disposal of the chief executive of the state, for use by him in apprehending such criminals and repressing this sort of crime.

The state has several cases pending in the courts against sureties on official bonds. The prosecution of these cases has been attended with great expense, and has continued for several years. In the interim, some of the sureties have died, many have become insolvent, and the chances for ultimate recovery on the bonds seem to be growing less. It is the exception, and not the rule, that personal bonds have been satisfactory. Private corporations deem it for their interest to buy surety company bonds for their employees. Our present state treasurer finds it impossible to furnish a satisfactory personal bond without subjecting himself to terms and conditions which have proven to be so annoying and disastrous to others

who have held the same position, and he has been obliged, as was his predecessor, to purchase a surety bond at a cost incommensurate with his salary. I submit that the law should permit corporate surety bonds to be given in all cases where a bond is required, and should provide that any public officer may be compelled to furnish a corporate surety bond, the cost thereof to be defrayed by the state or municipality for whose benefit such bond is required.

The game, song, and other insectivorous birds are the property of the state and are being ruthlessly slaughtered. I therefore recommend that the laws for the protection of these birds be so revised as to prohibit their exportation from the state, and to provide for a State Game Warden whose duty it shall be to see that violators of the law are duly prosecuted.

The executive mansion should either be sold, or an appropriation made for its proper maintenance. It should be cared for as any other public property.

Another matter to which your attention is called is the boundary line between the states of Nebraska and Iowa. The original intention undoubtedly was that the center of the channel of the Missouri river should form the boundary line between these two states. Owing, however, to changes in the river bed, the channel in many places has been so changed that Nebraska territory lies east of the said river, Iowa territory lies west of the river, while in some instances the question of jurisdiction is in doubt and dispute. This state of affairs leads to a condition of lawlessness, especially in the disputed territory, which should not exist. It is recommended that a boundary commission be provided for by joint resolution of the two houses to act with a like commission from our sister state of Iowa, that shall have power, with the consent of the Federal government, to establish a permanent boundary line between the two states.

Your attention will be called to the advisability of establishing a state circulating or so-called traveling library, which in other states has proven to be a great success.

The century just closed has been immortalized for all ages to come by the gallant achievements on land and sea of the American soldier and marine, and by the patriotic sacrifices of our American women. Let us, then, in this, the first year of a new century, show our appreciation of their deeds of valor and love for country and humanity by appropriating a liberal sum of money to erect a fitting monument to the memory of our heroic dead.

Committees should be appointed at once to visit our various state institutions, with instructions to make an early report of their needs, so that the legislature may have ample opportunity to act intelligently in the matter of appropriations.

In conclusion, I wish to state that every act of yours or mine should be governed by that same honesty of purpose and business tact and care as though our state and her institutions were our own personal belongings.

C. H. DIETRICH.