

INAUGURAL ADDRESS  
OF  
Governor John H. Mickey  
TO THE  
TWENTY-EIGHTH SESSION  
OF THE  
LEGISLATURE OF NEBRASKA

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*JANUARY 6, 1903*

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*To the Members of the Senate and House of the Twenty-eighth Legislative Assembly of the State of Nebraska.*

GENTLEMEN:—

In assuming the office of chief executive of the great state of Nebraska, I am profoundly conscious of the responsibility resting upon me and of the magnitude of the undertaking. With me this is a time for very serious thought. The acts of my administration will have more or less effect upon the interests of every citizen, and the possibilities of doing good stand out before me in such prominence, that I trust my mental perception may never be diverted therefrom. As between the executive and your honorable body, concurrent branches of our state government, there ought to be, and I have confidence to believe there will be, a perfect harmony in our mutual relations. You are the law-making body and your presence here is proof of the fact that you are leaders of thought and controllers of events in your respective districts. Much, therefore, will depend upon you, not only in the enactment of wise legislation but in co-operating with me in the enforcement of the same, to the end that the law may be

respected and the interests of the people best conserved. Our responsibilities are mutual and there should be no disposition to shirk on the part of either of us. While we are not all of the same political faith, I believe we are all patriots and from our several view points are honestly looking toward the accomplishment of the greatest good to the greatest number. In the work that is before us, we should rise above the exercise of mere partisan spirit and occupy a plane of broad toleration and charity. My ambition is to be the governor of all the people, regardless of party, and to merit their confidence.

The necessity for safe-guarding the public purse has been pertinently called to your attention in the message of my predecessor. Very many matters pertaining to the public good will be brought to your notice, a large portion of them contemplating more or less of expense. In the consideration of all these questions, your motto should be "strict economy without parsimony." The state should be too wise to be lavish and too just to be penurious. We should remember, too, that we are builders for the future. Our acts are not confined alone to the present but like the concentric circles, formed when a pebble is dropped into the water they extend on and on in their influence and effects. Legislation, therefore, should be of that broad, unselfish character which looks past the present into the future, and contemplates coming as well as immediate necessities. It is a great responsibility to be permitted to have a prominent part in the development of a young and progressive state, so rich in resources and bright with promise as is Nebraska, and I trust that this thought may be ever present in your work. Above all, we should seek Divine guidance. God controls the affairs of states and nations, just as he does of individuals, and no people can permanently prosper who are not submissive to His will. It is therefore important that in all our deliberations we should be led by Him, for in such leadership there is the most perfect liberty, begetting a charity which in itself is the fulfillment of all law. I sincerely hope that this legislature will achieve distinction for the wisdom of its acts and for the harmony and fraternal spirit which shall characterize all its deliberations. I especially challenge your

attention to a few matters of public policy:

#### REVENUE

The question of revenue is one which vitally concerns every interest in the state, and always presents troublesome phases. At present, the floating indebtedness of the commonwealth is largely in excess of the amount permitted under the Constitution and is rapidly increasing. There is no defensible reason for the existence of such a condition. It is largely due to the prevalent and pernicious practice of undervaluing all forms of property and franchises which enter into the makeup of the assessors' schedules, the result being that the grand assessment roll is merely a financial shadow of the tangible resources and wealth which it is intended to represent. With a statutory limitation on the number of mills that can be levied, the amount of revenue derived from any given assessment is correspondingly abridged and at present is far below the amount absolutely required to meet running expenses. Another important contributory cause to the increasing indebtedness is the further fact that many county treasurers are exceedingly lax in the matter of tax collection. Large sums are allowed to encumber the books year after year, on which collection ought to be forced and the proceeds turned into the public treasury for the general good. At the present time, the delinquent taxes owed to the state are approximately \$2,400,000. Of this enormous amount, only a small per cent., outside of the taxes of 1901 and 1902, is now collectable though it is frequently quoted as an available asset for the extinguishment of debt. These conditions are unsatisfactory and should be relieved. It is apparent that the state cannot ignore its obligations. Its educational, philanthropic and corrective institutions must not be impaired in their usefulness and the spirit of the constitution must be respected in its limitation of indebtedness. To harmonize these divergent necessities is the task devolving upon your honorable body. As a first step, it seems to me that the assessment roll should be increased to the proportions contemplated for it by law. Section I, Article IX of the Constitution makes it obligatory on the legislature to "provide such

revenue as may be needful, by levying a tax by valuation, so that every person and corporation shall pay a tax in proportion to the value of his, her or its property, and franchises to value to be ascertained in such manner as the legislature shall direct," etc. The legislature has declared that all personal and real property shall be valued at its fair cash value and the plain intention of the statutes is to impose upon every person connected with the assessment, the duty of enforcing that idea. I recommend that existing laws be corrected so as to insure that all forms of real and personal property will be listed at full valuation for purposes of taxation; also that the laws governing the collection of taxes be made more stringent and effective. I further recommend that the duties of the State Board of Equalization be broadened so that it shall have ample power to raise or lower assessments for state purposes in harmony with the full valuation plan, and that county boards be given such additional authority as may be needed in order to carry out the same idea. It is important that these matters receive your immediate attention, that the resultant laws may be operative for the coming assessment.

#### EXPERIMENTAL FARM

Nebraska is distinctively an agricultural and live stock producing state. These two industries, with horticulture, are the basis of the major part of the prosperity enjoyed by our people. Whatever tends to promote these interests increases the general wealth in the same ratio. In wise recognition of these facts, the state has long since established an experimental farm near Lincoln in connection with the State University, where careful and elaborate tests are made in the production of grains, grasses and forage plants, under varying conditions, where the several kinds of live stock which add wealth to the farm are kept for purposes of experimentation, where horticulture is systematically promoted, and from which is disseminated from time to time, facts and data relative to the work accomplished. At this farm, too, during the winter months, young men and women who desire to acquire accurate knowledge concerning agriculture and animal husbandry,

are given short, practical courses in those subjects, under the supervision of the director of the station and his assistants. Such instruction is separate and distinct from the regular agricultural course as pursued at the University. The good results derived from this experimental farm are obvious to all who keep pace with the trend of events. As has been stated, the experimental farm is located near Lincoln, in the humid part of the state, where the climatic conditions are very different from those which prevail farther west in the arid and semi-arid portions of the commonwealth. The conditions there, in my judgment, demand the establishment of an experimental farm also, in connection with the State University, and under the management of the board of regents, which shall give special attention to tests in agriculture, stock raising and horticulture, under the peculiarities of soil and climate there prevailing. Such an institution would give an impetus to the rural interests of that part of the state and would prove an important factor in the more thorough development of a section which is sometimes regarded as being handicapped by nature but which is rich in natural resources, if agricultural energy is directed along proper lines. Our congressional delegation has received assurance from the general government that it will gladly co-operate in the work, in connection with its irrigation and reclamation plans, and if Nebraska takes the initiative, it is probable that our station will become the seat of the government's tests and experiments conducted in behalf of the other states in this same region. I, therefore, recommend that the legislature make an appropriation for the purchase, equipment and maintenance of a farm at some suitable point in the western part of the state, to be under the control of the State University, and known as an adjunct of the same, for the purposes mentioned.

#### SUPREME COURT COMMISSION

Your attention is urgently called to the necessity of providing for the continuation of the supreme court commission. The present commission has performed commendable service and reduced the volume of litigation for years pending in the supreme

court. While the number of commissioners might be decreased, I am firmly of the opinion that the number should not be less than six, considering the rights of litigants, and the imperative demand of the people that every case should receive fair and full consideration.

The good name of our judiciary and the value of its opinions, depend very largely on the care and deliberation given each decision. The constitution guarantees to every suitor the right of appeal to the supreme court; the right to appeal implies a guaranty that the court of last resort will hear and determine the law and the merits of the controversy thoroughly. The three justices of the supreme court are unable to meet the requirements of the constitution, in this respect not because of their own inabilities as just and diligent judges, but because of the present and increasing volume of business in that court. The supreme court as now constituted, is an able and efficient tribunal and a credit to our great state; and yet it must be conceded there is a limit to the capacity of a conscientious judge in the consideration and decision of cases involving the liberties and properties of the people.

I, therefore, recommend the enactment of a law similar to the one passed by the last legislature creating the present commission, so modified as to provide for six instead of nine commissioners.

#### ADVISORY BOARD OF PARDONS.

While I have no disposition to shrink from the Constitutional and statutory responsibility imposed on the chief executive in the matter of exercising clemency toward inmates of the penitentiary, yet I believe that the public good would be greatly enhanced by the creation of an Advisory Board of Pardons to which should be referred all applications for relief from punishment for penal offenses and matters pertaining thereto. Such board should be authorized to hear and weigh all evidence on which the application for pardon is predicated and within a reasonable time to report its

findings to the governor with a recommendation for or against the exercise of executive clemency, as each individual case may seem to require. I, therefore, recommend that such board of pardons be created, the details to be arranged by your honorable body.

#### EDUCATIONAL INSTITUTIONS

The people of Nebraska are justly proud of their educational institutions. The foundations of these interests have been laid broad and deep and may be properly regarded as the corner stones of that degree of eminence and distinction which the state now enjoys.

No other part of our country is blessed with so small a per cent. of illiteracy or has so much to show, in proportion to population, in the way of good school buildings, fine equipments and specially fitted instructors. At the head of these interests, stands the State University with its numerous departments, closely seconded by the State Normal. The institutions have done, and are doing, for the state a work greater than can be estimated, the influence of which will be felt throughout all time. These interests should receive the careful attention of your body and such appropriations should be made as will insure the continuance of their beneficent work on a scale commensurate with the state's development.

#### CONSTITUTIONAL AMENDMENTS

During recent years a number of attempts have been made to secure needed changes in the organic law of the state, by submission to the voters of proposed amendments to the constitution. Under the constitutional provisions, all proposed amendments must be submitted at the general election at which members of the legislature are voted for. By the present law such proposed amendments, in abridged form, are made a part of the regular ballot and a majority of all votes cast must be recorded affirmatively for each proposition before it can be adopted. In the greater interest attaching to the election of candidates the voters

lose sight of the importance of constitutional changes and a majority of them fail to vote on the propositions submitted. As each failure to vote is in effect a negative vote on the question, or questions, it becomes practically impossible to amend the constitution by such means, even in cases where the people are generally agreed that the change should be made. As a correction of this difficulty and a means of securing the needed constitutional modifications, I recommend that your body propose an amendment to Section 1 of Article XV of the constitution which will provide that amendments to the constitution may be submitted to the electors for approval or rejection at a general or special election, and I further suggest that the present election law be so changed as to authorize a separate ballot for the submission of such questions.

#### OIL INSPECTION

For some time there has been very general complaint of the quality of oil which is shipped into Nebraska for illuminating purposes. The trouble seems to be that it is not properly freed from its natural impurities, or, in other words, that it is not sufficiently refined. Our present inspection law, adequate so far as the points covered by it are concerned, was intended to protect the public from the use of illuminating oil which might volatilize at so low a temperature as to occasion the danger of explosion. It does not provide for a test of these impurities which measure and weigh, and the presence of which detract materially from the illuminating power of the oil with which they are compounded. I recommend that the oil inspection law be so amended as to include a test for impurities and that a standard of purity be established.

#### ST. LOUIS EXPOSITION

During the year 1904, the Louisiana Purchase Exposition will be held in the city of St. Louis. It is estimated that not less than \$30,000,000 will be expended on this enterprise. The general government and a number of the states have already given it sub-

stantial recognition, and the other states will undoubtedly do so as their respective legislatures assemble. Nebraska should have a part in this grand display of the world's resources, and especially so, as the event is intended to commemorate the acquisition of the most important territory ever added to the national domain, a territory from which the state was carved and of which it is the brightest jewel. Your body should make a liberal appropriation for the proper representation of Nebraska at this exposition, subject to such restrictions and details of expenditure as prudence may suggest.

#### PENITENTIARY

By reason of the failure of the last legislature to make a sufficiently large appropriation, the rebuilding of the center and west wing of the penitentiary, destroyed by fire two years ago, is not yet completed. The stone is practically all laid but the interior can not be finished and made ready for occupancy until another appropriation becomes available. To this duty, I trust you will give early attention. It is almost absolutely imperative that the west wing be equipped with from 50 to 75 new steel cells, the present cell room being entirely inadequate to the needs of the institution. At this time, three convicts are compelled to bunk in one small room, the capacity of which is scarcely equal to the proper accommodation of two. The result is that these unfortunates are crowded together in an almost barbarous manner and in violation of the promptings of humane reason and the law of health. This condition is in no sense a reflection on the management of the penitentiary, but is unavoidable on account of the lack of room. I recommend that sufficient appropriation be made, both for the completion of that part of the penitentiary which is now in process of construction, and for the addition of new cells as suggested.

#### FOOD COMMISSION

The food commission law should be made more comprehensive. At present its operations are confined to the dairy, cider

and vinegar products, and while the commission having charge of the department has done excellent service in its limited sphere, it is evident that a broadening of the enactment would be of corresponding benefit. The public health is largely dependent on the character of food products and certainly it is fitting that a matter so intimately connected with the very existence of our people should be regulated by proper legislation. The scope of the present law should be broadened so as to include the regulation and control of food products for the use of man. Such products should be placed on the market strictly on their merits and deception as to purity and quality should be made a penal offense. The present fee and permit system should be abolished, the expense of the maintenance of the office should be paid from the general fund and a direct appropriation should be made for that purpose.

#### NORFOLK ASYLUM

In September, 1901, the main building of the asylum for the insane, at Norfolk, was partially destroyed by fire and rendered unfit for further use. At that time the institution was caring for about 300 inmates. These were afterwards divided between the similar institutions owned by the state at Lincoln and Hastings and were there given the care and attention which their cases demanded, as well as could be done under the crowded conditions thus imposed. Since then an annex has been built to the institution at Hastings, affording additional accommodations which have temporarily relieved the embarrassment. It is possible that for a short time the state could continue to care for its unfortunates at the two institutions named, but it should be borne in mind that the Lincoln hospital is now charged with thirty more than its capacity will justify while the asylum at Hastings has its normal capacity filled. It is evident, therefore, that prompt and decisive action should be taken in order to avoid the necessity of caring for these sufferers in any other way than in a well equipped hospital. The state now has at Norfolk an investment of about \$95,000, in the way of land, uninjured buildings and equipments, exclusive of the partial ruins of the main building which also

represent a considerable money value. In view of this investment, of the growing needs of the state proportionate to the growth in population and the corresponding increase of dementia, and as a matter of convenience to the North Platte country, it seems to me that the institution at Norfolk should be rehabilitated and I recommend a reasonable appropriation for that purpose. I further advise that this, and all other buildings authorized by your body, be made as nearly fire proof as possible, to the end that danger to human life and of the destruction of property on account of fire be reduced to the minimum.

STATE ACCOUNTANT

With the gradual increase of state business, it becomes more and more necessary that a state accountant should be provided, as an adjunct of the board of public lands and buildings, whose duty it shall be to scrutinize and verify the accounts of the various state officers and state institutions, and who shall have authority over the books and records of said institutions with a view to reducing them to a uniform system. Believing that such an officer would render valuable service to the state and would serve as a check on extravagance in the conduct of state affairs, I recommend that the position be created.

These are the more important points of desired legislation that suggest themselves to my mind. During the progress of the session, it may be that other matters will arise to which I shall wish to call your attention by special message. I trust that the utmost of harmony and fraternal good-will may attend all your efforts.

JOHN H. MICKEY.