THE GOVERNOR'S MESSAGE.

AMONG RECOMMENDATIONS ARE FEW BILLS AND SHORT SESSION.

The Primary Election Law, State Tax Levy, Home Rule, Prison Reform, and Other Things Specially Referred to.

January 8, 1903.

To the Forty-second Legislature of the State of Michigan:

If this legislature will veto as well as pass bills, the session can be made notable. Many sins of legislation are committed in the name of courtesy to members. A statute burdened state asks the adoption of the policy of no special acts where general laws can apply. It protests against laws taking immediate effect where a real emergency does not exist, and requests a return to the rule that generally laws shall not be operative until ninety days after the legislature has adjourned. A short session is suggested, and in the line of legislative economy a movement looking to the abolishment of the fifty-day limit for the introduction of bills, which is a farce as far as preventing the introduction of new matter is concerned, its only appreciable effect being to keep the legislature practically idle for fifty days while bills are poured into the legislative hopper. The house and senate journals are burdened with hundreds of titles whose only purpose is to nullify the time limit. An additional step towards a short session will be the payment of a fixed salary to legislators, a reform it is believed the state is ready to adopt. More effective laws will be secured through committees consulting freely with the departments in regard to the administrative features of any proposed act with the execution of which they may be charged. Doing away with the legislative recess taken for the purpose of permitting committees to visit state institutions, was favored two years ago, but extended observation forces the conclusion that this recommendation was in error. It is preferable to get through with this work in as brief a time as possible, to prolonging it through the session.

State institutions should so conduct their canvass for appropriations that it may not be charged that either they or local interests have been instrumental in obtaining other than a fair, reasonable allowance. It is desirable that appropriations be reduced to the lowest figure consistent with true economy. This is a difficult enough task when the requirements of a rapidly developing state are considered, without being hampered by combinations formed by the friends of the various institutions. Proper consideration for the welfare of the state will discourage the further creation of boards having to do with profession and trade regulation, and with reference to those now existing, provision should be made that they may not become a burden to the state.

PRIMARY ELECTION LAW.

Attention is earnestly invited to the necessity of a satisfactory primary election law. Both the great political parties of the state have declared in favor of such a measure, and the subject is therefore one in which people of all shades of political belief are interested. The system by which the nomination of candidates for public office is made, underlying the foundation of the election machinery itself, should be protected fully and perfectly, and should be regulated by a law that will be safe, effective and equitable in order that the best results may be obtained. I recommend the passage of such a law.

Legislation should also be undertaken to fully ensure an accurate count of the election ballots, as far as possible rendering annoying and costly recounts unnecessary.

PRIMARY SCHOOL INTEREST FUND.

The heavy increase in the income of the primary school interest fund, as a result of the larger taxes paid by the former specific tax properties, is a subject of great interest. I again raise the question if the time has not come when the people ought to be asked to fix a limit to the amount the state shall pay from this fund for the support of the primary schools. Under the constitution the proceeds of taxation from what have been known as the specific tax properties are paid into the primary school fund and apportioned among the counties for school purposes. The use of primary school interest money is prohibited for other purposes than the payment of teachers' wages, and in many districts the one mill tax added to the primary school money is greatly in excess of the amount paid for teachers' wages. The enlarged income of the primary school interest fund and the prospect of a still larger increase necessarily will not improve the condition pointed out in the foregoing. A limit ought to be fixed beyond which the taxes derived from these properties shall be used for the general educational institutions, such as the University of Michigan, the Agricultural College and the State Normal schools, in this way affording direct relief to the general taxpayer. The ad valorem taxation of railroads and other former specific tax properties, if sustained, has increased the income of the primary school interest fund by over $2,800,000 each two years, which exceeds the sums now raised by tax for the support of the University of Michigan, the Michigan Agricultural College, the College of Mines and the three State Normal Schools, which for the years 1901-1902 amounted to $1,658,000. By way of further illustration, if this increase of $2,800,000 should be turned into the general fund it would render unnecessary the levying of a tax for the payment of the current expenses of the prisons, the asylums and the general purposes of the state, which for the last two years aggregated $2,492,000. In order to afford this relief to the general taxpayer, it will be necessary to submit an amendment of the constitution to the people and this should be done at the coming spring election. The primary school apportionment for 1901 was on a per capita basis of $2.40, and for 1902 it was $2.62.

EPILEPTIC AND INSANE.

I recommend and urge the enactment of suitable legislation creating an institution for the care of the epileptic. The time has arrived when provision should be made for the separation of these unfortunates from the other defectives in the state institutions now maintained for the care of the epileptic, the feeble-minded and the insane. The proposition to build another institution has the endorsement of the joint asylum board of the state, which has carefully investigated the questions involved, and is recommended as the wisest solution of the problem presented to the state by reason of the crowded condition of the institutions which minister to the unfortunates before mentioned, and the large number who cannot be cared for because of lack of room. Four hundred and forty-seven (447) epileptics are now being cared for by the state institutions.

APPROPRIATIONS AND THE STATE TAX LEVY.

Though state taxes are comparatively a small part of the total paid by the general taxpayer, they are a large figure in the popular discussion of the taxpayer's burden. The aggregate of the tax levy is therefore of concern to those who are charged with the responsibility of making provision for all legitimate demands. If state taxes are to be kept at the lowest figure consistent with true economy, due regard must be had for the possible sum total. There should be maintained a safe working balance in the treasury, having in view expenditures which contingencies may force upon the commonwealth at any time, as by way of illustration, the destruction by fire of some state institution. Therefore, practically the only safe rule to follow is to make provision to reimburse the treasury by tax for every dollar appropriated.

The tax levy for the years 1901-1902 was $4,505,788.62. It is evident, therefore, that unless the constitution is amended so as to provide sources of revenue additional to those now contributing to the general expenses of the state, care must be taken if the state tax levy for 1903-1904 is to be much less than during the years 1901-1902, and this, too, without considering any new projects.

As to the existing state institutions the special appropriations requested should be pruned, for I believe that equipment has been brought to a standard commensurate with the obligations undertaken by the commonwealth, with the single exception of the institutions caring for the insane and epileptic, where as pointed out elsewhere there is demand for additional facilities.

STATE TAXATION.

After years of agitation Michigan's system of taxation is quite clearly defined, and the work of the future will consist in perfecting the system rather than in making radical changes. The aim should be to devise ways and measures for the practical enforcement of the laws now upon the statute books. State supervision of the assessing machinery has already wrought decided results and the powers of the Board of State Tax Commissioners should be increased rather than diminished. This board has now much authority which must be exercised wisely and conservatively, but cases arise requiring the full limit of its power and to abridge its authority would be to tie its hands and prevent the correction of aggravated violations of the tax law.

Under the supervision of the commission the work of assessing officers in placing property on the rolls at value approximating the requirements of the law, and the work of finding hidden wealth which heretofore was undervalued or escaped assessment altogether, has proceeded satisfactorily, and I deem it proper to take notice of the efficiency and willingness of many of the local assessing offices to cooperate with the commission in the accomplishment of this result. But it is an unfortunate circumstance that while the work of assessment has proceeded thus satisfactorily the results have, in some counties, been partially or wholly neutralized by boards of supervisors in their work of equalization. The action of these boards is controlled more often by local interests of the members than by a desire to conform to the law, and, instead of equalizing upon a cash basis, as pointed out by the commission in the matter of original assessments they frequently ignore the question of cash value altogether. And this will always be the result when there is no control over the assessing officers by an independent and disinterested authority.

As might have been expected, in the localities where assessment law was least regarded, where intervention of state authority was most needed for correction of abuses, where assessing officers yielded most unwilling compliance with the law, there the evils of equalization were most evident and schemes for neutralizing the corrective measures were most resorted to. It is clear that if the work of the state board is to be given its greatest efficiency and the results of its work saved to the people most in need of assistance, some change is necessary to control, or at least to regulate the authority of county boards of equalization. These local boards should not have complete and final authority to equalize their work of assessment, certainly not in counties where the commission by systematic examination and review has impressed the property of all localities alike with an experienced, disinterested and independent judgment. The necessity of this change must be evident to all who realize the extent to which even honest assessing officers are affected in their assessments by local influence or bias and the extent to which county boards are similarly influenced. I recommend that in the counties where the work of the commission has affected equalization of all assessment districts, the authority of local boards to change this equalization be taken away.

Great pressure will be brought to bear upon you, gentlemen, to exempt from taxation, in whole or in part, the vast sums of money loaned upon real estate mortgages, under the argument that double taxation is involved. There is no more reason why money loaned upon real estate should be favored than that loaned upon personal property which pays a tax if the law is followed by the assessing officers. The result of thus favoring the owner of encumbered real estate is either that mortgage credits are altogether exempted from taxation, or that indebtedness, when secured by real estate mortgage, may be deducted from the value of the real estate, while the owner of personal property chattels has no such privilege, he being permitted to deduct his indebtedness from credits only. It is doubtful if any bill along the lines of the Ward-Lowrey bill can be enacted into law without violating the fundamental principle of "uniformity," so equitably and forcibly enjoined by the constitution. The only case in which double taxation by any reasoning may be said to be involved, is presented in the so-called purchase price mortgage and land contract, and if a measure can be devised by which justice can be done this class of credits without imperiling the general property tax system, I recommend legislation to that end. I did not approve the Ward-Lowrey bill for the reason that it appeared to discriminate in favor of one class of credits at the expense of another, and because it seemed to invite such serious complications that it was best to refer to a future session for more mature consideration the questions involved. It is stated that the subject matter of that measure will be brought before the present session, and if that is done your attention is respectfully directed to the objections filed against the Ward-Lowrey bill. Briefly summarized, these objections were:

First. That it would result in dropping a vast amount of assessable property from the rolls, being practically an act for the exemption of mortgage credits.

Second. That it discriminated in favor of one class of credits against another, or in favor of the holder of one class of property against another.

Third. There is good reason to believe that it would have conflicted with the law providing for an ad valorem assessment of railroad and other corporate property, because its terms clearly included the bonded indebtedness of railroads and other properties previously paying specific taxes.

The tax commission, acting as a State Board of Assessors, under Act No. 173, passed by the last legislature, has just completed its first assessment roll of the steam railroad property and the property of express companies, refrigerator and fast freight line companies. Great interest centered in this work and the results, especially the valuation to be made of steam railroad properties, were awaited with great interest and no little anxiety by the people of the state. The board of assessors determined the value of the railroad properties to be $208,212,500, and while comparatively little can be intelligently said of this total valuation, or of the assessment of the several properties involved, yet it is a great satisfaction to know that this work of the board meets the almost unqualified approval of the people. The work involved much labor and rare judgment. Admitting again my inability to speak with even approximate exactness of the correctness of the result reached by the board it is clear to me, as it must be to all who have given the subject intelligent consideration, that the board has not yielded to clamor for high valuation against this class of property, nor has it been awed or unduly influenced by this immense aggregation of wealth, but has been actuated only by a desire to do its full duty. The amount of taxes from railroad properties due in July, 1902, was $1,483,906, while the amount resulting from the assessment just referred to will be $2,450,211. Under this assessment the property of express companies, carloaning stock car, refrigerator and fast freight line companies yields at the average rate of taxation about $78,258. Your attention will be called to certain inadequate features of the act in relation to the manner of assessment of the last named companies, and suggestions for its amendment are to be found in the report of the State Board of Assessors.

MUNICIPAL HOME RULE.

An evil in legislative practice in this state is the time consumed in the consideration of so-called local bills, and this evil will probably continue until prohibited by constitutional provision. Such a step would be in the direction of true economy, materially shortening the sessions of the legislature, and remove a source of unnecessary friction between the municipalities and the state. The present legislative practice contemplates home rule by conceding to the legislators from any given municipality that they reflect local sentiment regarding local legislation. While as a rule this is satisfactory in results, in operation it occupies entirely too much time. The legislature, as a basic proposition, should be restricted to the consideration of general bills only. If this is not done, as an alternative the legislative practice of a referendum sometimes obtaining on local bills, ought to be made mandatory. Municipalities should be given the largest measure of home rule consistent with their relations to the state and the operation of general laws. I recommend that this legislature take steps to submit to the people an amendment or amendments to the constitution in harmony with the foregoing.

CONSTITUTION AND STATUTES.

I strongly favor submitting to the people at the ensuing spring election the question of the general revision of the constitution. Originally far from elastic, the progress of the times has compelled the making of so many amendments that the constitution is something of a patchwork affair, and this condition must necessarily grow worse owing to the fact that the organic law of the state was drafted too much along lines of legislation instead of being purely a basis for legislation.

In this connection the bulky statutes of the state challenge attention. For instance, the laws referring to the insane could better be embodied in a single act instead of being scattered through various acts as now. Passage of such a measure will be urged at the present session and favorable action is recommended. Again the laws of corporations is a fruitful field, there being two hundred separate acts. The result is that general principles do not apply and court decisions in one are not a guide in the legal construction of acts relating to another class of corporations.

EXECUTIVE RESIDENCE AND CAPITOL NEEDS.

It is for the best interest of the state that the Governor should have his home at the capital during his term, and the state should build and maintain an official residence for him. The owners of homes having accommodations suitable for an executive residence will not lease their property, and it is not to be expected that the governor will invest in real estate for temporary purposes. The necessary funds for such a building can be secured without taxing the people. The state owns forty-two lots in three blocks in the city of Lansing. Thirty of these lots have been appraised by competent real estate dealers at $27,500. In addition, the state owns a brick building at the corner of Washington avenue and Allegan street, suitable for business purposes, for which an offer of $30,000 has been made. The executive residence should be built under the direction of the Board of State Auditors and be placed on land now owned by the state or otherwise as the legislature may direct. The subject matter covered by these recommendations is entirely free from any personal bearing, because it will hardly be possible to complete the building before my term will have expired.

The office accommodations in the state Capitol are inadequate. The legislature is invited to make a thorough examination of the situation to the end that either an addition to the Capitol or a separate office building conveniently located may be built. Provision ought to be made not only sufficient for the present needs but anticipating the legitimate demands of the future. The state is growing and necessarily the work of its government becomes greater. The state now occupies to a certain extent the indefensible position of being a tenant and no time should be lost in providing the accommodations necessary for the transaction of its own business. The attention of the legislature is also called to the necessity of making certain repairs to the Capitol building. These improvements should be made under the direction of the Board of State Auditors whose authority should be ample to protect all the interests of the state.

PENAL LAWS FROM THE VIEWPOINT OF REFORMATION OF THE OFFENDER.

No more important subject will come before this legislature than that of proposed changes in the penal laws having in view the reformation of the offender. As protection of the public is paramount to the punishment of the criminal, so is the subject of reformation superior to that of punishment, and in imprisoning criminals the state should prevent as far as possible the contamination of one by another criminal of a more hardened class.

The Michigan Reformatory at Ionia ought to be a place of detention for all first offenders not convicted of heinous crimes and this result can be secured by substituting "shall" for "may" in the law. As at present constituted, the penal institutions stand practically upon the same basis and do not follow a proper classification. To secure this result provision should be made for the sentencing and confinement of first offenders, as recommended, in an institution where they will not come in contact with confirmed and vicious criminals and where reformatory methods can be applied. In the same connection I suggest lowering the minimum age for offenders liable to be sentenced to the Ionia institution. Under the present law, judges are sometimes compelled to sentence to the Detroit House of Correction where the prisoner should more properly be sent to a reformatory, and to send boys in such instances to the Industrial School for Boys would create an evil similar to that from which the Industrial Home for Girls is suffering.

PROBATION SYSTEM.

The average first offender is one having very few, if any criminal associations. Unless the offense with the commission of which he stands charged is a serious one better results are obtained through releasing him on probation. At the very best, imprisonment is a mark which can never be effaced, and to a greater or less degree is a handicap. And further, it extends to the family of the offender, and if he has children, to them in particular. Not only is he, but his family, deprived of the fruits of his labor, and the state burdened with his support. Massachusetts has a practical probation law which requires that the justices of each municipal, police and district court shall appoint a probation officer, who inquires into the nature of every criminal case brought before the court whose officer he is, and upon his recommendation the court may place the person so convicted in the care of such probation officer for such time and under such conditions as may seem proper. In effect this is the Michigan parol system applied before instead of after imprisonment. The number taken on probation in Massachusetts in 1892, the first full year after the passage of the law, was 5,197. In 1897 the probation cases in the lower courts numbered 481 in each thousand prosecutions during the year, while in 1901 it was 724 in a thousand. The expenditures for salaries and expenses of probation officers were, in round numbers, $59,000 a year. It is estimated that the lowest possible saving to the taxpayers upon the bare cost of support of the probationers, had they been imprisoned, was $89,531 a year, and the earning capacity of the probationer should also be taken into account. A system of probation went into effect in New York city, September 1, 1901, under a law enacted by the legislature of that year. The annual report of the Board of City Magistrates says that after three months' operation of the law, employment has been obtained, imprisonment has been averted, the expense of penal institutions has been reduced, and good order in the community has been promoted.

For the fiscal year ending June 30 last, the report of the attorney general of Michigan shows a total of 19,376 convictions. If only 5,000, or about one-fourth of the convictions were those of first offenders, and the proportion was over rather than under this number, a point is reached whereby the argument favoring probation can be brought home. Assuming that the average sentence was sixty days, and that it cost the taxpayers thirty cents a day to support each prisoner, the outlay was approximately $90,000. On the further assumption that each prisoner was capable of earning at least five dollars a week, the direct loss in earning power was not less than $200,000. The argument for probation, however, should not rest alone upon a money basis, the better enforcement of law and order and the welfare of society being far greater considerations. Should the probation system be adopted in this state, in order to prevent the creation of a large number of official positions, I suggest it may be wise to place the probationers under the supervision of the county agents of the State Board of Corrections and Charities, whose compensation should be on a sliding scale, according to population.

INDETERMINATE SENTENCES.

The last legislature, in its wisdom saw fit to make provision for the submission of an amendment to the constitution permitting indeterminate sentences. This amendment was adopted by a vote so large as to indicate unqualified approval, and legislative action is now necessary to give effect to the will of the people. I recommend that the act apply in all offenses other than those in which life sentences are imposed; in general, provision being made that the court shall not fix a definite term, but shall establish a maximum and a minimum according to the term fixed by law for the punishment of the offense in question; that the benefits of this law shall apply to all sentenced through oversight or otherwise to a definite term other than life; that precise statement be made as to the authority of trial judges to impose indeterminate sentences when the offense charged occurred prior to the time the proposed law becomes operative; also, that convicts sentenced to other than life imprisonment may be eligible to parole as soon as they shall have completed serving the minimum term imposed by the trial court, this eligibility being determined under rules established by executive authority.

Legislation is advisable declaring it to be an escape when a paroled prisoner allowed to leave the state under written agreement to return when requested to do so by the governor, defaults in his promise.

PRISON FOR WOMEN CONVICTS.

I renew my recommendation of two years ago that the state provide a prison for women convicts. It is not proper or necessary that the state should keep such prisoners in a private institution. There is need of a prison or reformatory for the care of the incorrigibles whose presence in the Industrial Home for Girls exerts an injurious influence upon others not so far advanced in the ways of wickedness. The gradual transfer of the state asylum at Ionia to the west side of Grand River is leaving available a building which can be utilized as a place of detention for women, and in conjunction with the Michigan reformatory could be maintained at a reasonable expense. It is possible to secure entire separation of male and female prisoners at this place, and at the same time not create a separate institution. This recommendation if carried into effect will provide needed relief for the Industrial Home for Girls.

CRIPPLED DEPENDENT CHILDREN.

Under present laws the benefits of the state public school at Coldwater are limited to children sound in mind and body, between the ages of two and twelve years, except that under certain conditions those under two years can be admitted. While over four thousand children have passed from county support through this institution to good homes, there are yet a limited number of bright children in the poor-houses of the state who are growing up as paupers, and perhaps as criminals, who because of some physical defect, a twisted limb or the loss of an arm or a leg, are debarred by law from the benefits extended to those better equipped for life. Children between the ages of twelve and fourteen years, being too old to be easily placed in homes seeking children, are also ineligible to this institution. I recommend legislation amending the act creating the school so that its care will extend to crippled dependent children who are otherwise sound, increasing the age of eligibility to fourteen years, and appropriating for the institution with a view to its enlarged needs.

BETTER SCHOOL FACILITIES.

One of the vexed subjects of discussion, especially in the older settled portions of the state outside of the towns and villages, is that of the so-called centralized school. The rural school serving nearly half of the entire number of children of school age in this state, deserves the very careful consideration of the legislature for the reason that its work must necessarily be under difficulties greater than are encountered in the cities and villages. The superintendents of public instruction very properly recommends the adoption of an alternative plan whereby the people of contiguous districts, consulting their own convenience, may combine at their option and substitute the centralized for the district school. Provision should also be made that in case this plan does not prove satisfactory after a certain length of time, the people may return to the district system.

RECORDS OF MICHIGAN SOLDIERS AND SAILORS.

Whenever their country has called, the sons of Michigan have eagerly responded and fully and bravely discharged their duty. As a tribute of honor to those who saw service in the great Civil War, and in the more recent war for the freedom of Cuba, I recommend legislation authorizing the compilation and printing of the records of all the officers and enlisted men who served in Michigan organizations during the wars named or enlisted from Michigan and served in other organizations, so far as the same can be obtained, and that a suitable appropriation be made for the work.

SOLDIERS AND SAILORS' MONUMENT.

In obedience to the obligation imposed upon me by Act No. 93 of the Public Acts of 1901, a Michigan Soldiers' and Sailors' Monument Commission was appointed, which was authorized by the legislature to select a suitable design for a state soldiers and sailors monument to be erected on the Capitol grounds in Lansing at such point as the commission should determine. Notwithstanding that under an opinion of the attorney-general the commission was not authorized to incur any expense in obtaining designs it has been able through circulars extensively issued and the personal efforts of the members to procure a large number of tenders of designs. After careful consideration the commission has selected a design which consists of a base with space for memorial hall surmounted by an obelisk or shaft. The terrace is sixty-four feet eight inches by seventy feet eight inches, and the hall at the base line is thirty-five feet six inches by thirty-nine feet six inches. The size of the obelisk at the base line is seventeen feet eight inches and at the top eight feet. The height to base of the group on front of the shaft is forty-five feet ten inches and the total height of the monument from ground to top is one hundred ninety four feet. The design contemplates a magnificent monument and one that will creditably perpetuate the memory of the Michigan soldiers and sailors who fought and the martyrs who fell in the Civil War, the Spanish-American War and the campaign in the Philippines. The estimated cost approximates two hundred and fifty thousand dollars, and I recommend that you give to the subject of its erection your most careful consideration.

SEMI-CENTENNIAL CANAL ANNIVERSARY.

June 4, 1903, will mark the semi-centennial of the beginning of work on the first St. Mary's Falls Ship Canal, and plans are being made looking to the proper observance of this anniversary. The citizens' committee of the City of Sault Ste. Marie desires representation in this celebration by the United States, the state of Michigan, the eight states bordering on the Great Lakes and the shipping interests of these great inland waterways. A suitable appropriation is asked to defray the expenses of the representatives of this state in the celebration, and it is desired that the legislature adopt a resolution memorializing Congress to provide for participation by the United States, and that the states bordering on the Great Lakes and the shipping interests be invited to provide for proper representation. The immense tonnage passing through the Soo Locks is one of the great wonders of modern commercial activity.

FISH AND GAME PROTECTION.

If the principle of protecting fish and game during the spawning and breeding season is to be upheld, and it is apparently strongly established in the state, no half way measures should be taken. For instance, the fishermen of Michigan, who observe the close season requirements on the Great Lakes should not be subjected to unfair and illegal competition by outsiders who to a greater or less degree take advantage of the fact that the state maintains no regular patrol of its waters. Michigan has nearly two thousand miles of coast to protect, and this cannot be done with the present facilities at the command of the game and fish warden. The interests of Michigan in these fisheries are greater than those of any other state bordering on the lakes. If the fishermen were the only ones concerned, the matter of protection might be essential to them alone, but the state has a direct money interest in the fisheries because of their great vaue as a source of food supply. Other states on the lakes are awakening to a realization of their full duty in the protection of the fisheries and Michigan should not be remiss in this respect. The commercial fisheries have shown remarkable improvement under protective laws, and by using care in eliminating some of the destructive methods employed by the too eager fishermen, this progress will be maintained.

The game and fish warden states that his observation of the habits of the principal food fishes, whitefish and trout, leads him to recommend that the close season should be uniform, from October 30 to December 15 of each year. This is submitted for your careful consideration. Effective steps should be taken to put a stop to the traffic in immature fish.

The Game and Fish Warden and the Fish Commission unite in recommending legislation intended to bring about the discontinuance of commercial methods of fishing in the inland waters of the state if the artificial propagation and planting of game fish are to be continued. Each suggests increasing the legal length at which certain fish may lawfully be taken, and the commission asserts that for the protection of the trout streams there ought to be a legal limit to the daily catch.

The increasing number of fatalities among hunters during the season in which deer may lawfully be killed demands some legislative action, if not the absolute prohibition of the high power gun in general use.

GOOD ROADS.

The forty-first legislature authorized the creation of a highway commission to devise ways and means for the betterment of the highways of the state. The commission has submitted a working plan, which is summarized in the following recommendations:

Education along the lines of building and maintaining good roads; an amendment to the constitution, authorizing state aid in the improvement of public highways, and following favorable action by the people, legislation similar to the system in operation in Vermont, whereby the state assists in defraying the cost of constructing highways built according to. Legislation placing these recommendations before the people for their action will materially advance the good roads movement, and favorable action by the electorate will exert a far reaching influence upon the future welfare of the state.

REGULATION OF ELECTRIC RAILROADS.

I renew my former recommendation with reference to state supervision of suburban and interurban electric railway companies, which are rapidly assuming all the functions of steam railroads and are not subject to any form of general regulation. Their supervision should be vested in the Commissioner of Railroads and appropriate legislation to this end be enacted, in order to as fully as possible serve the public interests. No system of transportation by reason of its form of motive power should receive any special favor from the state, and as far as possible the requirements of the law ought to extend to all alike. The people have a right to expect uniform legislation.

STATE FIRE INSPECTION.

The annual fire waste, which results in the absolute wiping out of the value represented by the property destroyed, calls for serious consideration on your part. A careful investigation of all fires occurring in the state with a view to determining their cause and correcting the conditions which make them possible would certainly result in a substantial reduction in the present enormous fire waste and thereby eventually reduce the loss ratio and decrease the premium rates. The excessive losses of recent years have caused the retirement from Michigan of a large aggregate of fire insurance capital and resulted in a greatly inadequate supply of sound indemnity as well as an increase in rates. With a view to reducing as far as possible the great loss due to carelessness, accident and incendiarism, I suggest the enactment of a law providing for a system of state fire inspection which should be attached to the insurance department, which annually returns a large revenue to the state, its receipts for the last fiscal year having exceeded its expenses of every nature by more than $310,000. Although this large sum of money, which is but a fraction of the enormous fire loss of the state, is paid directly by the insurance companies, it is, of course, assessed against the property owners of the state in the form of premium rates, and whatever can be done to reduce the annual waste will be on the right side of the ledger.

INSPECTION OF BOILERS.

The Commissioner of Labor recommends legislation providing for steam boiler inspection, and for the examination and licensing of stationary engineers. The argument in favor of this is based on the numerous boiler explosions and the serious loss of life and destruction of property resulting therefrom. Such a measure need not necessarily be an additional burden upon the state, it being entirely proper to charge a small fee for each boiler inspection and for the examination and registration of engineers. This work properly comes within the jurisdiction of the department of labor and state factory inspection, and can be placed there by adding a section to the factory inspection act, thereby making it unnecessary to create another office.

INHERITANCE TAX LAW.

The statute providing for the collection of a tax from the transfer of property by will or inheritance has added a considerable revenue to the primary school interest fund, and this will probably increase from year to year with the growth of the state in population and wealth. The law, however, is in such faulty form that this legislature should see that it is so amended that no uncertainty will exist in regard to its terms, and that those charged with its administration may find its provisions clear and unmistakable.

PROTECTION OF AND REVENUE FROM STATE LANDS.

The commissioner of the state land office recommends legislation giving state trespass agents authority in trespass upon state tax lands similar to that of the game and fish warden in seizure, on the ground that it will facilitate collections for trespass and have a decided tendency to prevent encroachments; also measures empowering the land commissioner and the auditor-general to sell the timber from tax homestead lands and authorizing these officials to lease for a term of years the same class of lands, thereby greatly enhancing their value. Favorable action should be taken on these recommendations.

FORESTRY.

Interest in forestry in Michigan has materially increased since the creation of the forestry commission and there should be such additional legislation as may be required to advance the work the state has undertaken. Steps are necessary to perfect title to the lands set apart for this purpose, and the commission ought to have the authority requisite for the protection of such lands as may be placed under its control. It seems inadvisable to cripple any counties by practically turning them into state forests and this phase of the question should have careful consideration before any irrevocable steps are taken.

UNIFORM EXPENSE ACCOUNTS.

The present system or lack of system in the auditing of claims against the state should have the attention of the legislature in order that a uniform method of payment of expense bills may be adopted so that bills of like character and affecting similar officers shall be acted upon by the same officer or board. The auditor-general strongly recommends that this be done and I concur in his recommendation. He also recommends that he be empowered to appoint one of his office force a state examiner of accounts, for the purpose of making an examination of county accounts whenever conditions may require. If this authority is given, it will result in desirable uniformity among the counties.

FEES OF STATE OFFICIALS.

It is suggested that the legislature provide that all fees collected by state officers in the administration of the various departments of the state government shall be turned into the state treasury, and that all moneys coming into their possession through the operation of any law with the execution of which they may be charged shall likewise be deposited with the state treasurer within some stated time.

STATE BANKS.

The development of the state banking system demands attention. The present state banking law has been in operation fourteen years, and during that time the number of banks under the supervision of the state banking department has grown from eighty (80) with total assets of $39,000,000 to two hundred twenty nine (229) banks and trust companies on September 15 last whose assets were $169,000,000, an increase in institutions of one hundred forty-nine (149) and in assets of $120,000,000. Deposits have increased to $141,000,000, the increase since 1896 approximating $76,000,000. In some instances national banks have pooled issues with state banks because of the savings feature of the latter. It is suggested that the legislature inquire into the wisdom from the standpoint of public policy of rendering ineligible the president or cashier of a national bank or trust company to perform the duties of president or cashier of a state bank.

LAWS REGULATING THE PRACTICE OF MEDICINE.

The State Board of Registration in Medicine favors amendments to the medical law, having in view both the elevation of the standard and the uniformity of the act in connection with the medical laws of states which have taken an advanced position in order that worthy and well qualified physicians and surgeons who have been legally authorized to practice under the laws of other states may be given the right to practice in this state without being forced to submit to a repetition of the examination which they had previously undergone. In order that Michigan may be able to take advantage of proposed reciprocal relations, it will be necessary to raise the standard of medical requirements of this state to that of the states willing to enter into reciprocity. These suggestions should have your very careful consideration.

SPANISH-AMERICAN WAR CLAIM.

In January, 1901, the amount uncollected of the Spanish-American War Claim was $93,928.44; the original amount of the claim, as presented to the United States government, having been $448,109.20. On March 7, 1901, in conjunction with the attorney-general, the governor employed an agent to complete the collection of this standard requirements. claim. The amount uncollected consisted principally of expenses for subsisting troops, for care of sick soldiers, for hospital supplies and attendance, for railroad transportation of troops from Detroit to their homes in Michigan at the conclusion of the war, and for account of naval reserves. Since then the sum of $25,859.59 has been collected, making the total amount collected to date on the entire claim $377,342.58. The claim as presented consisted of five installments and all have been settled except the third installment which consists of the above mentioned railroad transportation, and amounts to $12,433.98. The vouchers covering this transportation have been passed upon by the auditor for the war department and a considerable proportion of them disallowed. It has been thought best, however, to take an appeal from the decision of the auditor to the comptroller of the treasury, which appeal is now pending. When the case has been decided, the entire work of collecting the Spanish War Claim will have ended.

CIVIL WAR INTEREST CLAIM.

The Civil War Interest Claim was one of interest upon $1,249,400 of bonds issued July 1, 1861, the proceeds of which were used to organize, equip and maintain Michigan's volunteer regiments for service in the Civil War. Congress provided for reimbursement to the states, by an act approved July 27, 1861, of all the expenses incurred in aiding the United States to suppress the insurrection. The Michigan claim for interest upon its Civil War bonds was disallowed in 1888. The Supreme Court of the United States in 1896 decided in the case of the state of New York, that these interest claims should be refunded by the United States government. Because Michigan's claim had already been disallowed by the treasury department, and because of a regulation, amounting to law, that the present comptroller of the treasury could not re-open a case decided by a predecessor, it was found necessary to secure an act of Congress authorizing the treasury department to re-open, examine and allow the claims of Michigan and certain other states. This authority was secured by an amendment to the urgency deficiency bill which was approved by the president, February 14, 1902. This amendment as passed was changed so as to embrace certain parts of Michigan's claim which were not covered by the amendment as originally introduced. The work of preparing the schedules and proof in support of the interest claim was begun immediately after the approval of the urgency deficiency bill, and in May, 1902, the claim was presented to the treasury department at Washington. The sum of $382,167.62 was allowed and included in the deficiency appropriation bill passed just before the adjournment of Congress in June, 1902. Check for this amount was received July 6, 1902.

MICHIGAN CENTRAL CHARTER REPEAL SUIT.

Shortly prior to the first of January of this year the Michigan Central Railway Company instituted a suit against the state in the Circuit Court for Wayne County, claiming damages to the extent of $6,000,000 on account of the repeal of its special charter, which was effected by Act No. 2 of the Public Acts of 1900, approved by my predecessor, the late Governor Pingree, on October 15th, 1900.

The history of the special charter of the Michigan Central Railway Company and the agitation that finally resulted in its repeal, by which the company was brought under the general railway laws on the same basis as the other railroad companies of the state, is so much a matter of common knowledge that it is not necessary to repeat it in this message. The action of the legislature of 1900 was taken advisedly with a full consideration of all that was involved in the repeal, and the results will no doubt justify the wisdom of its action.

One of the provisions of the special charter was that the state reserved the right to alter, amend or repeal the same, provided the company should be compensated by the state for all damages sustained by reason of such alteration, amendment or repeal. In order to make the repeal effective it was deemed necessary by the legislature of 1900, by reason of the above mentioned provision of the special charter, to grant permission to the company to institute an action against the state in any of certain circuit courts of the state, among which was the Wayne Circuit, to cover such damages as it might sustain or be entitled to by reason of such repeal, if any damages were sustained, and provisions were made for the payment of any judgment that might be recovered. The right to commence action was limited to a period of one year after the repeal went into effect. Of the roads whose charters were repealed in 1900, the Michigan Central is the only one that has commenced suit within the time limited.

In reference to the claim thus made against the state, while it is now a matter for the courts to determine, yet I would say that, in my judgment, no legitimate claim for damages exists. The property of the company has not been sequestered, but remains in the identical ownership that existed before repeal, and neither the value of this property nor its earning capacity has been so far as I have been able to learn injuriously affected. In fact the exact converse seems to have been the case.

In view of the extraordinary demand that is thus being made, it is due to the people of this state that its law officers use every resource in their power and within their command to defeat this suit, and I shall sanction, as under the existing laws I am permitted to do, the employment of such special counsel as the attorney-general may recommend and the incurring of such liabilities as may be necessary to adequately and properly represent the interests of the state in this most important litigation.

ST. MARY'S FALLS SHIP CANAL SUIT.

Prior to 1881, by certain congressional and legislative acts, negotiations were carried on for the transfer by the state of Michigan to the United States of the St. Mary's Falls Ship Canal, constructed by the state of Michigan in 1853 or thereabouts. By Act No. 17, Public Acts of 1881, the board of control of the canal was directed to transfer the canal and its appurtenances to the United States, also all material belonging to the canal, and pay over to the United States all money remaining in the canal fund, subject however to the condition that such transfer of material and money should be in consideration of the construction by the United States of a suitable dry dock to be operated in connection with the St. Mary's Falls Ship Canal for the use of disabled vessels. The amount in the treasury credited to the canal fund at the time the transfer was made under the Act of 1881 was $68,927.12, which had arisen from the accumulation of canal tolls. In 1897, no demand having been made for the moneys thus offered to the United States, and there having been on the part of the United States no acceptance of the conditions upon which the money was to be paid over, the legislature of the state by Joint Resolution No. 20, Public Acts of 1897 ordered the money to be transferred to the general fund of the state.

During the last year a demand was made upon the board of control of the canal and the state by the law officers of the United States, for the money and material in question and interest, and for an accounting on the part of the state for the same, on the theory that by reason of the terms of the land grant from the United States to aid the state in the construction of the ship canal, the state was merely a trustee for the United States, and that on the transfer of the canal to the United States the state was bound to account for any unexpended balance of the tolls or material remaining on hand. The demand was refused for two reasons, the attorney-general of the state holding that the claim of the United States was not justified, and even though the claim was admitted, no action could be taken except after a legislative appropriation. Upon the state's refusal to accede to the demands of the United States, the latter brought suit against the state in the United States Supreme Court. The attorney-general of the state has filed a demurrer to the bill of complaint of the United States and the case will be heard in due course. The litigation should be pressed to final adjudication with the hope that the state will be successful in its contention.

THE STATE TREASURY.

The cash balance of the state of Michigan at the close of business December 31 last was $2,275,583.24 and for the years stated below was as follows:

1901	$1,009,137 28	
1900	1,245,459 68	
1899	361,134 47	
1898	247,634 09	
1897	36,763 23	
1896	21,993 34	Debit.
1895	62,578 87	
1894	66,894 24	
1893	128,309 42	Debit.
1892	345,873 88	
1891	506,110 32	
1890	603,515 76	

December 31, 1895 the state owed $900,000 for money borrowed.

December 31, 1894, the state owed $200,000 for money borrowed.

The present showing is very satisfactory indicating that the state is doing business on a safe basis. The bonded indebtedness on account of the Spanish-American War Loan will be wiped out on the first of May next. The state has already paid $96,200 of the bonds issued and there is now in the sinking fund $453,834.21, with which to retire the balance of $402,800 and the interest. The state has the right to pay the entire issue outstanding on the date stated and will undoubtedly do so.

CONCLUSION.

A prosperous state greets you in expectation that your work will materially promote the general welfare. The recommendations in this message are submitted as the result of two years' careful study with the request that they be considered on their merits and not because they are the views of one upon whom the constitution imposes the duty of making such recommendations to the legislature as he shall deem expedient.

Respectfully,

A. T. BLISS,
Governor.

Have you ever noticed how fast God's mercies multiply when you try to count them up?

Don't Die of Consumption.

A Positive Cure Found by a Celebrated Michigan Physician—He Sends a Large Trial Package Free by Mail to All Who Write.

At last a cure has been found. Incredible as it may seem, after the centuries of failure, a

DR. D. P. YONKERMAN, The Discoverer of Tuberculozyne—Endorsed by State Officials and Greatest Medical Men of the World as the Only Cure for Consumption.

positive and certain cure for the deadly consumption has at last been discovered. It remained for a great physician of Michigan to find the only known cure for consumption, after almost a life's work spent in experimenting and study.

Consumptives who have returned from the West—come home to die because they thought nothing could be done for them—have tried this new discovery and are now well and strong.

If you are afflicted, do not fail to send at once to Dr. Derk P. Yonkerman, 93 Shakespeare Bldg., Kalamazoo, Mich., for a free trial package of this remedy, proofs and testimonials from hundreds of cured patients, it costs nothing. The Doctor does not ask any one to take his word or any one else's, as he sends a trial package free, and a few days' use will show you how easily and quickly you can be cured. Delay is dangerous. There is no time to lose when the death hand of consumption is tightening its clutch upon you. Write to-day.

Surprised Card Party.

Three civil engineers while traveling from Amiens to Paris began to play cards on an apparently abandoned lunch basket of large dimensions, which had been lying on the hat rack.

It appeared to be rather heavy, but they supposed it to be full of plates. The basket was placed on end and a leather portfolio placed on the top to form a table.

Suddenly they were startled to hear loud cries, which came from the basket. It was opened, and a three-months-old baby was found inside.

The baby was neatly dressed, and bore a card, on which was written: "To be delivered to Mme. Forsey, Creuil."

The three men did their best to keep the child quiet until the train stopped at the next station. It was Creuil, and there a respectably dressed woman came forward and claimed to be the owner of the baby.

It appears that the child had been put out to nurse near Boulogne. Not having received any pay, the nurse had adopted this way of sending the child back to its mother.—London Express.

The March of Science.

Oolitic, Ind., January 12th.—That Oolitic is right abreast of the times in the use of the most recent discoveries in Medical Science is shown by recent cases in which those dreaded Kidney Complaints that cause so many deaths have been completely cured by the new Remedy, Dodd's Kidney Pills.

Many people in this neighborhood tell of aches relieved and pains departed because of the use of Dodd's Kidney Pills. One of these is W. A. Terry, the well known Grocer. Here is his story:

"I suffered for four months with Kidney and Bladder Trouble and was so bad that I was almost confined to my bed. I could get no relief until I commenced using Dodd's Kidney Pills.

"I could notice an improvement the second day I took the pills. I would recommend Dodd's Kidney Pills to all sufferers from Kidney Complaints."

It takes an awfully good man to lose as many as three wives by death without being regarded with suspicion.

Grapes of peace do not grow on thorns of passion.

ST. JACOBS OIL

POSITIVELY CURES

Rheumatism
Neuralgia
Backache
Headache
Feetache
All Bodily Aches
AND

CONQUERS PAIN.

DO YOU COUGH DON'T DELAY TAKE KEMP'S BALSAM THE BEST COUGH CURE

It Cures Colds, Coughs, Sore Throat, Croup, Influenza, Whooping Cough, Bronchitis and Asthma. A certain cure for Consumption in first stages, and a sure relief in advanced stages. Use at once. You will see the excellent effect after taking the first dose. Sold by dealers everywhere. Large bottles 25 cents and 50 cents.

If afflicted with sore eyes, use Thompson's Eye Water

DROPSY NEW DISCOVERY; gives quick relief and cures worst cases. Book of testimonials and 10 DAYS' treatment FREE. Dr. H. H. GREEN'S SONS, Box B, Atlanta, Ga.