BIENNIAL REPORT OF THE SECRETARY OF STATE OF THE STATE OF ILLINOIS FOR THE FISCAL YEARS BEGINNING OCTOBER 1, 1902, AND ENDING SEPTEMBER 30, 1904

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649461646

Biennial Report of the Secretary of State of the State of Illinois for the Fiscal Years Beginning October 1, 1902, and Ending September 30, 1904 by Various

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd.
Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

www.triestepublishing.com

VARIOUS

BIENNIAL REPORT OF THE SECRETARY OF STATE OF THE STATE OF ILLINOIS FOR THE FISCAL YEARS BEGINNING OCTOBER 1, 1902, AND ENDING SEPTEMBER 30, 1904

Trieste

BIENNIAL REPORT

OF THE

Secretary of State

OF THE

STATE OF ILLINOIS

FOR THE

Fiscal Years Beginning October 1, 1902, and Ending September 30, 1904.

SPRINGFIELD:
ILLINOIS STATE JOURNAL CO., STATE PRINTERS.
1905.

REPORT OF SECRETARY OF STATE.

STATE OF ILLINOIS,
DEPARTMENT OF STATE,
SPRINGFIELD, Oct. 1, 1904.

His Excellency, RICHARD YATES, *Governor:*

MY DEAR SIR—I have the honor to present herewith a biennial report of the office of Secretary of State for the period beginning Oct. 1, 1902, and ending Sept. 30, 1904.

FEES COLLECTED.

I have collected fees from Oct. 1, 1902, the date of my last report, as follows:

Domestic corporations	$568,721 30
Foreign corporations for licenses	61,185 79
Annual reports of corporations	16,296 58
Reinstatements of corporations	33,877 50
Anti-trust affidavits	24,166 81
Hunters' license	2,180 00
Notarial commissions	17,837 28
Miscellaneous commissions	1,772 20
Miscellaneous fees	10,533 41
Employment agencies	1,800 00
Total	$738,770 37
I have refunded, to parties entitled thereto, for fees advanced for charters refused or not issued and for overpayments of various kinds	18,768 05
Leaving a net balance for collections for the two years ending Sept. 30, 1904, of	720,002 32
Net amount received for two years ending Sept. 30, 1902	609,682 19
	$110,320 13

It will be observed that the net balance of collections for the past two years is $110,320.13 in excess of the amount collected for the two years ending Sept. 30, 1902.

REPAIRS ON STATE HOUSE.

In every biennial report which it has been my honor to make I have had occasion to call attention to the condition of the Capitol building.

In my last biennial report I submitted the finding of Professor Ricker, Dean of the College of Engineering of the University of Illinois, and President of the State Board of Examiners of Architects. This finding of Professor Ricker showed the Capitol building to be very badly out of repair. Acting on this finding and recommendation of Professor Ricker, and on your Excellency's message, which recommended the passage of an appropriation bill for repairs, the Forty-third General Assembly appropriated $235,833.00 and named the

173681

Board of Commissioners of State Contracts as commissioners to make said repairs. Your Excellency, however, saw fit to veto said measure.

I desire now to say that the condition of the Capitol building is much worse than it was then. My only object in calling attention to this matter is that I believe it to be my duty as custodian of the building to continue to apprise the proper authorities of the condition of the building. The walls are becoming very badly damaged from water, and I am informed by persons experienced in such matters, that every year's delay adds many thousands of dollars to the cost of repairs. Having again performed what I conceive to be my duty in the premises by calling attention of the proper authorities to the condition of the Capitol, I will dismiss the subject for another two years.

CORPORATIONS.

A comparison of reports made by the Secretary of State for a number of years immediately preceding this report will show that the strong tendency of the business interests of this State is to incorporate.

The corporation laws of Illinois are in many respects faulty and defective. Complaints come to this office almost daily of the abuses of corporate franchise and power, both by domestic and foreign corporations. Both the domestic and foreign corporation laws, in my judgment, need amendment, and slight amendment to them will prevent many abuses.

Under the general domestic incorporation law, a corporation may be formed for any lawful purpose, except banking, insurance, real estate brokerage and the operation of railroads (the railroad incorporation act being a separate act), and the business of loaning money. There is no particular formula prescribed by the statute for stating the object of a corporation, and that class of corporations which desire to do an illegitimate business, in stating their object, in many instances, use terms intended to cover the real object of their business rather than to clearly state the same, and often make such a statement of their object as to mislead the Secretary's office as to what business they really intend to follow.

There ought to be such an amendment to the corporation laws of this State as will allow the Secretary of State to examine, under oath, persons offering to incorporate in this State, sufficiently to disclose the real character of the business in which the corporation is to engage, and his interrogatories and the answers thereto should be preserved as a part of the corporate organization and should be regarded as a limitation upon the power of the corporation to do business other than that disclosed by such interrogatories.

He should also have the power, at any time, to examine the officers of any corporation, under oath, touching the character of business which they are transacting, and if their answers disclose that they are transacting a business in excess of their charter, he should be required to submit a copy of his examination and such answers to the Attorney General, with a request to proceed against such corporation violating the provisions of its charter.

The law should also be amended so as to require the report of commissioners appointed to organize a corporation, in the report to the Secretary of State, to state under oath the amount of capital stock actually paid in to said corporation, by whom contributed, and whether contributed in money or property, and if in property, the property contributed should be appraised by said commissioners and the appraised value thereof should be stated by them under oath.

It should also be stated what disposition the incorporators intend to make of any stock subscribed for and not paid in at the time of organization, and in each annual report of such corporation after organization it should be required to make a financial statement showing the amount of capital paid in, the assets of the corporation and its liabilities, in addition to what the law already requires such annual report to contain.

Foreign corporations, under the present law, are admitted to this State upon very easy terms, and there is virtually no requirement of such corporations other than that they shall limit the exercise of their powers to such objects as are permitted to corporations of this State and shall observe the laws of the State.

Such corporations should be required to state in their application for admission the amount of their capital stock, the amount of capital paid in, of what the property of such corporation consists, the character of business such corporation intends to transact in the State of Illinois, the proportion of its capital stock represented by its property located and business transacted in this State, and what proportion of its business is to be transacted elsewhere, and at what place such business is to be transacted.

The Secretary of State should also be permitted to examine, under oath, the officers of any corporation making application for admission to this State as to the real character of the business in which such corporation intends to engage, and no corporation should be admitted to do a business in this State which is contrary to the law or public policy of the State, and the certificate of authority granted by the Secretary of State should state specifically the business which such corporation is authorized to transact, and penalties should be imposed upon any corporation for the transaction of any business not disclosed by its application or answers to the examination by the Secretary of State and stated in its certificate of authority.

Authority should be given to the Secretary of State, after the admission of any foreign corporation, to examine its officers, under oath, for the purpose of ascertaining the real character of business in which such corporation is engaged and the proportion of its business actually transacted in the State of Illinois, and if such examination discloses that such corporation is doing an unlawful business in the State, he should be required to transmit a copy of such examination and answers thereto to the Attorney General, whose duty it should be to proceed against such corporation for a violation of its charter and to enforce penalties against it.

With the amendments here suggested power would be given to exclude from transacting business in this State many illegitmate concerns which are incorporated in other states for the purpose of prey-

ing upon the people of this State with fraudulent corporate schemes, and I therefore recommend such amendments to the laws as are here suggested as being highly necessary to the protection of the legitimate business interests of the State.

ELECTION LAWS.

I desire to call the attention of the General Assembly once more to the cumbersome and altogether unsatisfactory provision of our election law in relation to deciding contested nominations in electoral districts of the State greater than a county, and quote from my report of 1902, as follows:

"Section 10, of the act of 1901 (paragraph 297, chapter 46, R. S.), providing for the filing of objections to nomination certificates, puts no limit on the time for filing such objections. I think that a reasonable time should be given for filing objections after the time for filing nominations has expired; but that the time for filing objections should be so limited as to leave a reasonable time for notifying candidates objected to, for securing witnesses, preparing the case, hearing and determining the objections, and transmitting the result to the Secretary of State before the time when he is required by the statutes to certify nominations to county clerks. As the law now stands, where several such cases are pending at the same time, and all within a few days of the election, it is impossible for this office to fulfill all the requirements of the statutes with regard to such contests and to certify nominations to county clerks. Further, some less cumbrous and less expensive method than that provided in this section should be devised for the hearing of objections to nominations of candidates in electoral districts greater than a county and less than the State. The tribunal provided by this section for hearing contests in such districts (including all congressional, senatorial and judicial districts greater than a county) consists of the county judges of all the counties composing such district. Among the many bad features of this method I call attention simply to the fact that any voter dissatisfied with the result of a nominating convention in the Third Appellate District, for instance, may, by filing in the office of the Secretary of State any trivial objection, compel the Secretary to call together the county judges of 35 counties to hear and determine the merits of a political controversy between two parties or two factions of the same party. No provision whatever is made for the payment of expenses or per diem to the 35 county judges so assembled. All this may be done without a particle of expense to the objector. It seems to be an act encouraging litigation at the expense of the county judges of the State. They should be relieved of the burden and some simpler and less expensive method devised for settling such contests."

To this quotation from a former report I wish to add that in such districts composed of two, four or any even number of counties, it frequently occurs that the county judges are unable to decide the matter for the reason that the board is equally divided. Besides, the judges coming from the same counties that compose the district in which there is a contest, frequently find themselves in the predicament of having to determine judicially the merits of a contest involving their own personal and political interests. In my opinion the law should be so amended as to have all these contests for district offices decided by the State Canvassing Board.

I think the method of making nominations by petition, as provided for in Section 5 of the act of 1891 (par. 292, ch. 46, R. S.), should be more clearly defined. As the act stands, no one is made responsible for a nomination petition. No one is required to vouch for the authenticity of the signatures nor for the method of obtain-

ing them. Where a nomination is made in open convention, where all the proceedings are public and reported in the daily press and known of all men, the certificate of such nomination will not be filed unless signed and sworn to by the presiding officer and secretary of the convention. But any one, without even disclosing his identity, may file a nomination petition, and no one vouches in any way for the authenticity of the names attached or the method of obtaining them. The circulator of each such petition, or the person filing it, should be required to attach his certificate, subscribed and sworn to, that the names are, according to his best knowledge and belief, the genuine signatures of the persons purporting to sign the petition and obtained without fraud or misrepresentation.

Section 7 of the same act (par. 294, ch. 46, R. S.) requires that nomination papers shall be filed 30 days before the election with the Secretary of State or county clerk, and 15 days before with city, town and village clerks. I think the time should be limited to 60 days before election in the first two cases, and 30 days in the other. Nominations are usually made from three to six months before the election. The earlier filing will accommodate election officers and give more time for the settlement of controversies in contested cases.

I think, too, the law should be more explicit in regard to what constitutes a vacancy in nominations. Section 9 of the act of 1891 (par. 296, ch. 46, R. S.) provides only for vacancies caused by death or withdrawal of the nominee or the insufficiency of his certificate of nomination. I think other causes for vacancy should be recognized, such as removal from the State or electoral district, insanity and ineligibility to the office sought.

Section 23 of the same act (par. 310, ch. 46, R. S.), relating to the matter of marking ballots, is defective. Where more than one person is to be elected to the same office (as Representatives in the General Assembly, University Trustees and similar cases) the elector who attempts to vote what is called a "split ticket" rarely succeeds in making it possible for election judges to determine the intention of the voter. This section should be made more explicit, so that any voter may know what his marks on the ballot signify and so that election judges may be able to give to these marks a legal, just and uniform interpretation.

The objections urged herein are simply a few stumbling blocks which present themselves to election officers at each recurring election. It seems to me that they may be easily removed and without making any violent changes in our present code of election laws. I have enumerated only a few instances in which slight changes will be productive of large results in the practical administration of the election laws, in so far as relate to the duties of county clerks and of this department.

STATE CONTRACTS.

This department has frequently called attention to the unsatisfactory conditions in the law in relation to the letting of State contracts, especially that part of the law that relates to the letting of contracts for doing the public printing and binding. The law should

be so amended as to allow all classes of printing to be open to bids from all parts of the State (with perhaps the exception of the printing of bills, daily journal and synopsis for the legislature) instead of being confined, as it is in some of the classes, to Springfield alone. The confining of printing to the city of Springfield has a tendency to breed combinations in bidding. Again the printing ought not to be let by contract for two years. The law ought to be so amended that bids may be taken upon any separate piece of work for printing or binding, and the Commissioners of State Contracts ought to have the right to group a number of the minor reports and let them to the lowest bidder. By this method we would not only get competition in bidding, but competition in the work. One of the results that would be obtained would be that the State printing and binding would be done within a reasonable time. Under the present system some of the reports are two years old before they are printed. It is not unusual for a report to be in the hands of a printer from a year to eighteen months. The House Journal of the Forty-third General Assembly was not ready for distribution for more than a year after the adjournment of the General Assembly, although every effort had been made to get it out. The volume of printing was so great that it was impossible to do so without neglecting other work that was absolutely needed.

The law provides for a printer expert and an assistant printer expert. This force is entirely inadequate to do the work with the volume of printing that has to be done. This department has had to pay out of its contingent funds the salary of two persons to assist the printer expert. The law should be so amended as to pay the printer expert and his assistant printer expert a yearly salary, and a clerk, proof-reader and janitor should be provided for the office, each of whom should be upon a yearly salary.