

John Alexander Martin

BIENNIAL MESSAGE OF JOHN A. MARTIN, GOVERNOR, TO THE LEGISLATURE OF KANSAS, 1887. MESSAGE.

MESSAGE.

To the Senate and House of Representatives:

To be elected Chief Executive of this great, intelligent and progressive State for a second term, is a distinguished honor. And I trust it is not inappropriate for me to express to the people of Kansas, through you, their chosen representatives, my grateful appreciation of their generous confidence, my profound sense of the responsibilities devolved upon me, and my earnest hope that I may, by an honest, faithful and conscientious performance of my official duties, in some measure justify the faith they have reposed in me.

The growth of Kansas, during the past two years, has been extraordinary. The census of March 1st, 1884, gave the State a population of 1,135,614; that of March 1st, 1886, showed an increase to 1,406,738; and our population now exceeds 1,500,000. Since the first of January, 1885, fifteen new counties have been organized, an aggregate population of 38,841, and they polled, at the November election, (three not voting,) a total of 13,108 votes. They include a territorial area of 14,355 square miles. Only two of the one hundred counties of the State, embracing an area of 1,860 square miles, remain to be organized.

During the same period, two cities, Wichita and Kansas City, have been organized as cities of the first class, and thirteen, Cherryvale, Abilene, Eureka, Minneapolis, Anthony, El Dorado, Seneca, Weir, Great Bend, Dodge City, Larned, Hutchinson and South Topeka, as cities of the second class.

Two years ago the railway mileage of Kansas aggregated only 4,486 1/2 miles, assessed at \$28,455,907.86, and traversing seventy-three counties of the State. To-day Kansas has 6,060 miles of completed railway, the assessed value of which is fully \$39,000,000. These lines traverse eighty-six of our one hundred counties.

In 1884 the assessed value of all the property of the State was \$237,020,391; for 1886 it was \$277,575,353. We had, then 13,011,333 acres in cultivation; last year we had 15,473,495 acres. These figures indicate the constant growth of the State. They illustrate, also, not only the faith our own citizens have in the future of Kansas, but the confidence the people of other States and countries feel in its substantial and continuous development. The influx of foreign capital and enterprise has, indeed, surpassed that of any other period in the State's history. The railroad building of the past year has been phenomenal, far exceeding that accomplished during any previous season. The growth of our cities and towns, also, has been unexampled in the history of any State, and the rapid, steady, and, in some instances, extravagant increase in property values, is remarkable.

You, gentlemen of the Legislature, are assembled to make laws for this great State. In your hands, also, rests all authority to levy taxes and direct the expenditure of the public revenues. In large measure, therefore, the honor and welfare of the Commonwealth and the prosperity and happiness of its people, depend upon your action. The different State and Bureau officers and the Boards having charge of our public institutions, will all submit to you, for your information and

consideration, their biennial reports. I trust you will examine these reports carefully, to the end that you may act upon the suggestions or recommendations they embody with deliberation and justice. It is natural that each officer charged with the performance of specific duties, and each Board appointed to manage a public trust, should believe that the interests and needs of his or its department are most important and pressing. Consider carefully all the recommendations thus made, but bear in mind, at the same time, the interests and needs of the people. The year just closed has not been, in many respects, a prosperous season. The crops have been short, epidemics have brought heavy losses upon stock raisers, the prices of all cereals and stock have ruled low, and many of our citizens are feeling the stress of the widespread industrial depression. Economy in all appropriations made for the ensuing biennial period, is, therefore, alike desirable and necessary. No good citizen will complain concerning a public expenditure shown to be essential; all have a right to complain if, during such a period as the present, unnecessary expenditures are authorized. All intelligent citizens know that taxation for State purposes has never been burdensome or excessive, but they know, also, that every mill added by the State is a feather laid upon the dreadful load of municipal taxation that threatens to crush the energy and enterprise of so many of our counties, townships and cities. I earnestly urge, therefore, that no expenditure be authorized unless its necessity be clearly shown; that all appropriations which will bear delay, be postponed; and that a resolute effort be made to reduce the burdens of State taxation to the lowest possible limit consistent with the needs of a wise and economical administration of the public business.

NEW COUNTIES.

Fifteen new counties have been organized during the past two years, viz.: Comanche, February 27th, Clark, May 5th, Thomas, October 8th, and Meade, November 4th, 1885; and Hamilton, January 29th, Kiowa, March 23d, Cheyenne, April 1st, Lane, June 3d, Seward, June 17th, Scott, June 29th, Stevens, August 3d, Gove, September 2d, Sherman, September 20th, Morton, November 18th, and Wichita, December 24th, 1886.

Should the Legislature, by changes in county lines, create additional counties, I earnestly recommend that the law governing their organization be made more specific in its directions. It is, in its present form, confusing and inadequate. The organization of nearly every new county is attended by an exciting contest over the location of the temporary seat of justice, and the Governor is required to locate such county seat at the place designated "by a majority of the legal voters in a memorial." How he is to determine who are legal voters, and how the memorials presented are to be verified, is not prescribed. I would suggest that, on the presentation of a legal petition asking that a new county be organized, the Executive should be empowered to appoint some citizen of the State, not a resident of nor interested in the proposed new county, as census taker; and that said census taker, in addition to the duties now prescribed by law, should be required to take an expression of the preference of the legal voters on the location of the county seat, and make return thereof, under oath. Long, expensive and annoying controversies might thus be avoided, and a fair and impartial basis for Executive action would be established.

STATE FINANCES.

The reports of the Auditor and Treasurer furnish a detailed and satisfactory exhibit of the financial transactions of the State for the last biennial period. During the two years covered by

these reports the receipts of the Treasury (including a balance of \$754,512.07 on hand July 1st, 1884.) aggregated \$5,547,167.33, and the disbursements for the same period were \$4,962,894.17, leaving a balance in the Treasury, June 30th, 1886, of \$584,273.16.

The total bonded debt of the State, on the 1st of January, 1887, was \$830,500, showing a reduction, since January 1st, 1885, of \$105,000. Of the debt outstanding only \$256,000 of bonds remain in the hands of individuals and corporations, \$574,500 being held by different State funds. The permanent school fund holds \$553,500; the sinking fund, \$12,000; and University fund, \$9,000.

The bonds and securities in the Treasury on the 31st day of December, 1886, aggregated \$4,678,046.62, as follows: Permanent School Fund Bonds, \$4,001,327.05; Sinking Fund bonds, \$12,000; University Fund bonds, \$106,468; Normal School Fund Bonds, \$71,407; Agricultural College Endowment Fund bonds, \$438,066.69; Agricultural College notes and contracts, \$48,777.88.

From July 1st to December 31st, 1886, the receipts of the State Treasury were as follows: From taxes, \$454,074.07; from Penitentiary earnings, \$51,203.47; from Insane Asylums, \$621; from State Librarian, sales of Supreme Court Reports, \$1,344.50; from the Insurance Department, \$10,124.92; from sales of school lands, principal, \$286,503.86; from sales of school lands, interest, \$146,325.41; from sales of University lands, principal, \$5,953.76, and interest, \$1,997.94; from sales of Normal School lands, principal, \$5,856.10, and interest, \$3,994.65; from sales of Agricultural College lands, principal, \$23,371.34, and interest \$4,495.64; from principal of County, Township and School-District bonds, \$95,229.17, and from interest on same, \$124,252.11; from sale of State bonds, \$9,105; and from miscellaneous sources, \$125 - making a total of \$1,224,577.94, which, added to the balance on hand June 30th, 1886, makes a total of \$1,808,851.10.

The disbursements during the same six months were as follows: On warrants drawn by State Auditor, \$571,667.06; drawn by School Fund Commissioners, \$445,639.89; by State Superintendent of Public Instruction, \$242,470.81; by Regents of Normal School, \$6,600; by Agricultural College Loan Commissioners, \$62,652; by Regents of Agricultural College, \$14,993; on payment of State bonds, \$17,000; and on payment of coupons, \$29,662.50-making a total of \$1,390,685.26.

The balance in the Treasury, December 31st, 1886, aggregated \$418,165.84, divided among the several funds as follows: General Revenue, \$111,672.65; Liberty, \$1,344.50; Insurance, 46,729.32; State House, \$28,002.54; Sinking Fund, \$1,876.47; Interest Fund, \$41,130.05; Militia \$2,431.16; Veterinary, \$28,600.21; Permanent School Fund, \$60,560.88; Annual School Fund, \$111,626.90; University Permanent Fund, \$4,742.92, and interest, \$1,224.86; Normal School Permanent Fund, \$1,891.21, and interest, \$347.54; Agricultural College Endowment Fund, \$14,241.76; and Agricultural College Income Fund, \$1,742.87.

STATE PROPERTY AND TAXATION.

During the past quarter of a century the State has been erecting public buildings that will survive for centuries to come, and paying for them, not by issuing bonds, but by direct taxation. It has built large Asylums for the care of the unfortunate, the helpless, and the insane; it has erected Colleges, Universities and Schools for the education of its youth; it has provided institutions for the confinement of the vicious and the criminal, and for the reformation of the wayward; and it is building a handsome and commodious, though not extravagant, State House. Its public buildings

and grounds, with their equipment, are worth, at a moderate estimate, over \$5,080,000. In the following table the area of the public grounds, and value of grounds, buildings and equipment, are given in detail:

Institution, and its location.	Acres of land.	Values of land.	Values of buildings & equipment	Total value of plant.
State House, Topeka	10	\$250,000	\$1,350,000	\$1,600,000
Insane Asylum, Topeka	180	\$36,000	\$560,000	\$596,000
Insane Asylum, Osawatomie	214	\$7,000	\$350,000	\$357,000
Deaf and Dumb Institution, Olathe	177 1/2	\$20,000	\$85,000	\$105,000
Blind Institution, Wyandotte	10	\$25,000	\$50,000	\$75,000
State Reform School, Topeka	160	\$16,000	\$70,000	\$86,000
Soldiers' Orphans' Home, Atchison	160	\$24,000	\$25,000	\$49,000
Institution for feeble-minded, Winfield	40	\$2,500	\$25,000	\$27,500
State University, Lawrence	42	\$12,600	\$338,700	\$351,300
State Agricultural College, Manhattan	315	\$35,250	\$178,478	\$213,728
State Normal School, Emporia	20	\$10,000	\$58,400	\$68,400
State Penitentiary, Leavenworth	218	\$32,700	\$1,358,390	\$1,391,090
State Industrial Reformatory, Hutchinson	640	\$100,000	\$60,000	\$160,000
Totals	2,186 1/2	\$571,050	\$4,508,968	\$5,080,018

Considering the expenditures thus made in providing public institutions for a new and growing Commonwealth, the burdens of taxation imposed by the State have never been excessive. Its government has, as a rule, been economically administered. The salaries of its officers have been moderate. Its indebtedness is very small. The percentage of taxation annually levied for State purposes, rarely large, has been steadily decreasing during the past fourteen years, until for the present fiscal year, it is less than one-half that levied in 1872.

MUNICIPAL DEBTS AND TAXATION.

But notwithstanding this steady reduction in the percentage of State taxation, the tax burdens in nearly every county are irksome. The rapid and enormous increase of property valuations has brought no corresponding decrease in the percentages of tax levied by the municipal authorities. In many counties and cities, indeed, the tax rate have steadily increased. Worse than all, too, the aggregate of municipal indebtedness is rapidly and enormously swelling, until it has reached proportions that should alarm every citizen who has a heart the prosperity of the State and the well-being of its people.

I called the attention of the Legislature to this subject, in my biennial message of 1885, and again in my special message of 1886, and earnestly urged that stringent limitations be placed on the

debt-creating and tax-levying authority of counties, townships and cities. No action was taken, however, and the municipal subdivisions of the State have gone on, voting bonds, and piling up interest-bearing debts that will, in a few years, cripple and dishearten every energy and ambition of their people, and paralyze all public spirit.

Two years ago the municipal indebtedness of the State aggregated \$15,951,929. Of this amount the county indebtedness aggregated \$8,065,748.29; township, \$2,650,030.90; the 1st of January, 1887, this dreadful burden of local indebtedness has increased to \$19,397,851, the bonds having been voted and issued for purposes and by municipal subdivisions, as follows:

County bonds issued in aid of railroads	\$6,556,400
Township bonds issued in aid of railroads	\$3,941,245
City bonds issued in aid of railroads	\$1,585,373
Total of bonds issued in aid of railroads	\$12,083,018
County bonds issued for all other purposes	\$2,254,251
Township bonds issued for all other purposes	\$681,561
City bonds issued for all other purposes	\$1,523,611
School-District bonds	\$2,855,410
Total bonds issued for all other purposes	\$7,314,833
Grand total of municipal bonds issued	\$19,397,851

But this is not the end. Since the first of January, 1885--a period of two years--municipal bonds aggregating in amount \$11,222,000 have been voted, but are not yet issued. These bonds were voted for purposes and by municipal sub-divisions, as follows:

County bonds voted in aid of railroads,since Jan. 1,1885	\$5,533,000
Township bonds voted in aid of railroads,since same date	\$4,778,600
City bonds voted in aid of railroads,since same date	\$835,000
Total railroad bonds	\$11,146,600
County bonds voted for other than railroad purposes, since January 1, 1885	\$30,000
Township bonds voted for other than railroad purposes, since January 1, 1885	\$13,900
City bonds voted for other than railroad purposes, since January 1, 1885	\$31,500
Total for other than railroad purposes	\$75,400
Grand total of bonds voted since January 1, 1885	\$11,222,000

If all the bonds thus voted were issued, the municipal indebtedness of Kansas would be as follows:

County	\$14,373,651
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Township	\$9,415,306
City	\$3,975,484
School District	\$2,855,410
Total	\$30,619,851

It is hardly probable, however, that half of the bonds now voted, but not yet issued, will ever be earned. But the aggregate of our municipal indebtedness, even if one-half of the bonds voted should never be issued, will exceed \$25,000,000, and it seems to me time to put a stop, firmly and thoroughly, to this wasteful extravagance. Vast as are the resources of our State, wonderful as its growth has been, and bright as its prospects are, neither the productiveness and development of the present, nor the hopes of the future, will justify a continuance of such reckless folly in bond-voting.

RAILROAD BONDS.

It will be observed that \$12,083,018 of the bonds already issued, and \$11,146,600 of those voted but not yet issued, have been voted to aid in building railroads. This system of bond-voting to build railroads began twenty years ago, and continued for nearly a decade. Then came a period of business and industrial depression, followed by an era of attempted repudiation, the effects of which are still lingering in the courts. Three years ago another epidemic of railroad bond-voting broke out, and since spread throughout every section of the State. The most conservative communities have yielded to the contagion, and the all-absorbing ambition of every county and town in the State seems to be to secure railroads.

It would not be just to deprive counties having no railroads of the powers other counties have, thus far, exercised. But if all authority to vote bonds in aid of, or take stock in, railroads, was denied to any county now traversed by one or more lines of railway, no injustice would be done, nor would the building of any legitimate or needed line of railway be retarded or prevented. As long, however, as counties, townships or cities are permitted to vote bonds for such purposes, just so long will the bond-voting continue. One community will vote additional indebtedness on itself because, if it does not, it may lose advantages it has already paid immense sums of money to secure. In this age, railroads make and unmake cities and towns, and hence a flourishing community, on whose commerce and industries the prosperity of hundreds or thousands of people depend, may be destroyed by the building of one or two railways. Confronted by the alternative of voting bonds or of seeing the accumulations and labors of years destroyed, the people, with or without the approval of their judgement, "vote the bonds." They cannot afford to do otherwise. It is, on the one hand, the assumption of a burdensome debt, or, on the other, the destruction of all their hopes, and, possibly, their financial ruin.

If, however, all authority to vote bonds in aid of railroads was revoked, except in counties having no railway lines within their limits, this bond-voting under duress would cease. Such railroads as the carrying trade of the Senate will support, and all lines demanded by legitimate business interests, would be built by honest railway enterprise, without regard to local aid. Any other railroads than these are not, and never will be, of advantage to the State. A starving railroad is not a benefit--it is a curse to the communities it pretends to serve. Because such railways as these, or indeed, any lines of railroad in excess of the carrying trade of a country, retard and prevent the accomplishment of a result in which all classes of the people are most largely

interested, viz: the speedy and constant reduction of freights and fares to the lowest possible limit.

I am as anxious as any citizen can be that every section of our State shall be provided with the most abundant transportation facilities. But, in my judgement, Kansas long ago passed that stage of development when a bond-voting stimulus was necessary to promote the building of any legitimate railroad. As long, however, as authority to vote bonds is given to law, the railroad companies will make subsidies a condition precedent to building roads, and the people of different counties, townships and cities will be compelled to give the aid asked in order to protect their own local interests against injury or destruction. To repeal this authority will not prevent the building of railroads, but it will prevent the necessity of any further increase of our already large municipal indebtedness.

ASSESSMENT AND TAXATION.

In my message to the Legislature of 1885, attention was called to the serious defects in our laws providing for the assessment and equalization of property values for taxation. I again invoke attention to this subject, which is of vital importance to the welfare of the State and its taxpayers. The present system is notoriously inadequate to secure a fair or just equalization of the burdens of government, State or local, and should be thoroughly and carefully revised. Its defects were pointed out in my message of two years ago, and although some legislation was had, at that time, looking to correction, the remedies adopted were inadequate.

I call your attention, in this connection, to the recommendations of the late State Treasurer touching this subject. He has given it patient and intelligent study, and his experience with and knowledge of the practical workings of various systems of assessment, enable him to point out clearly the evils of our present system, and to suggest such changes and reforms as are necessary to abolish these evils. Mr. Howe very truly says that "the only defect in the Kansas system of raising revenue is in the assessment; the method of collecting taxes can scarcely be improved."

PUBLIC EDUCATION.

The report of the State Superintendent of Public Instruction furnishes full information concerning the development of our public school system. The school population of the State--persons between the ages of five and twenty-one years--is now 497,785, an increase of 86,585 over 1884. The scholars enrolled number 365,239, an increase of 61,638 during the same period. The average daily attendance was 219,908, an increase of 12,569. It will be observed that, notwithstanding the ample educational facilities provided by the people of Kansas for the education of our youth, less than one-half of the school population attends the public schools. These figures, however, hardly serve as a fair illustration of non-attendance. Few parents deem it wise to subject children under seven years of age to the confinement or discipline of the school room, and, except in a few of the larger cities, where high schools are provided, boys and girls over sixteen or seventeen years of age rarely attend the district schools. The teachers employed in 1884 numbered 8,342; those employed in 1886 numbered 9,387. The average wages paid teachers, per month, were: males, \$42.02; females, \$33.85. There has been a steady increase in teachers salaries, for many years past.

There are in Kansas 6,791 school houses, having a total of 8,180 rooms, and valued at \$6,592,757. School buildings cost \$1,093,042 have been erected during the past two years.

The receipts and expenditures for school purposes during the school year ended July 31st, 1886, were as follows:

Receipts.--Balance in district treasuries, August 1st, 1885, \$519,251.36; amount received from County Treasurers from district taxes, \$2,660,616.76; from State and county school funds, \$408,159.57; from sale of school bonds, \$713,794.66; from all other sources, \$174,969.34; making a total of \$4,476,791.69.

Expenditures.--Amount paid for teachers' wages and supervision, \$2,213,521.45; for rents, repairs, fuel and incidentals, \$584,723.34; for district libraries and school apparatus, \$51,650.10; for sites, buildings and furniture, \$785,377.61; and for all other purposes, \$213,745.09; making a total of \$3,849,017.59, leaving in hands of district treasurers, July 31st, 1886, a balance of \$627,774.10.

The suggestions and recommendations of the State Superintendent, touching the investment of permanent school funds, County Institutes, and changes in school laws, are respectfully commended to your attention.

HIGHER SCHOOLS.

The three great educational institutions of the State, the University of Lawrence, the Agricultural College at Manhattan, and the Normal School at Emporia, are all in a prosperous condition, with a steadily-increasing enrollment of students, constantly improving appliances for educational work, and rapidly-expanding fields of usefulness. They are all justifying, by results, the confidence and generous support of the people, and the State can afford to be liberal, though not extravagant, in providing for their up-building.

The permanent fund of the University now aggregates \$111,210.92; that of the Normal School, \$73,298.21; and that of the Agricultural College, \$501,086.33. All of these funds will be somewhat increased by sales of lands belonging to them.

There are complaints, occasionally, that the State has not been liberal in providing facilities for the higher education of its youth. These complaints are not well founded. Since the admission of Kansas, the appropriations made to these three institutions, for buildings and current expenses, have aggregated \$1,025,904.

THE STATE UNIVERSITY.--The reports of the Regents and other officers of the University furnish full information concerning the condition, prospects and needs of that institution. The University is steadily growing in usefulness, and the high rank it has attained among the great educational institutions of the country ought to be, to our people, a source of universal pride. During the last fiscal year 419 students were in attendance, notwithstanding the fact that several of the lower classes had been discontinued.

The Legislature, at its regular session, appropriated \$50,000 for the erection of a building to be devoted to Natural History. This building has been completed, and is occupied for the purpose for which it was provided. It is a beautiful and substantial structure, 100 by 110 feet, two full stories, with basement and attic, and built of native stone. The lecture room will accommodate 250 students. The extensive and valuable collections of the Natural History department have been removed to the new building.

The new department of Pharmacy has been fully organized, and had, during its first year, twenty-three students enrolled.

THE STATE AGRICULTURAL COLLEGE.--The work, growth and present condition of this

important educational institution are fully detailed in the reports of its Regents and officers. The new College Hall has been completed; forty-four acres have been added to the farm; and the value of the college property has increased, during the past two years, from \$145,857.95 to \$207,678.03. The annual attendance has increased from 395 to 428, representing sixty Kansas counties and eighteen States. In its buildings, equipment and grounds, the Agricultural College is admirably adapted for work in its special field, and is justifying, in the results of its training, the confidence and support of the people.

STATE NORMAL SCHOOL.--The reports of the Regents and officers of this institution show that it is in a very prosperous condition. Its graduates are in demand as teachers, and the enrollment of pupils attending is steadily increasing. During the fiscal year ending June 30th, 1885, the enrollment was 605; for the next year, it reached 724; and, during the present year, it is believed that fully 800 young men and women, anxious to qualify themselves as public educators will be in attendance.

The Legislature, during its session in 1886, enacted a law "to further endow the State Normal School," by granting to it twelve sections of land, known as the salt-spring lands. The Governor was directed to appoint three disinterested persons to appraise said lands, and the Board of Regents was authorized to sell them, upon terms and conditions prescribed in the act referred to. In accordance with authority thus given, on the 30th of March, 1886, I appointed D. W. Finney, of Neosho county, J. G. Billings, of Clay county, and A. L. Voorhis, of Russell county, as appraisers. These gentlemen performed the duties assigned them in a very satisfactory manner. Not a single appeal was taken from the valuations made by them, which aggregated \$77,860. The Board of Regents, through a Committee consisting of Messrs. J. H. Franklin, W. H. Caldwell and E. W. Warner, sold all the lands, except two quarter-sections, at an aggregate of \$78,882. The lands sold, with the exception of one tract, were disposed of to residents farmers, all disputes concerning the ownership of improvements and right to purchase being amicably settled by the Committee. The two quarter-sections unsold were appraised at an aggregate of \$2,240, and I approve the recommendation of the Board of Regents that these tracts be sold at private sale, thus avoiding the expense of reappraisal and advertising.

No appropriation was made to pay the expense of appraising, advertising and selling the lands, which aggregated \$802.85. An appropriation for this purpose should be made.

The suggestions and recommendations of the Board, concerning changes and needed improvements in the school, deserve your considerate attention.

THE EDUCATIONAL BOARDS.

It has been suggested that the three Boards of Regents having charge, severally, of the University, the Agricultural College, and the Normal School, should be consolidated, and that one Board be given supervision of all these institutions. I do not believe that such a system of management would be practical, or advantageous either to the State or the institutions. Each of these schools occupies a different field, and the legitimate ambitions and rivalries of each promote the efficiency and prosperity of all. One Board could not escape the suspicion, if indeed it could avoid a real development, of partiality. Its recommendations in favor of improvements at one institution would be regarded, by the others, as favoritism; and thus jealousy, discontent and animosities, hurtful to the interests of all, would be engendered. The expense of the Boards of Regents might be reduced, as I have elsewhere suggested, by abolishing the mileage system, but I would not advise placing the management of the three institutions in charge of one Board.

THE PERMANENT SCHOOL FUND.

The Permanent School Fund now aggregates \$4,061,887.93, of which amount \$4,001,327.05 is invested in interest-bearing bonds. This total, however, includes \$2,000 in bonds of school districts of Comanche county, \$2,500 of Norton county, and \$10,000 of Rice county, all of which are supposed to be fraudulent. They were purchased twelve years ago, and no interest or principal has ever been paid upon them. It also includes \$100,000 in bonds of the city of Lawrence, issued in 1870 and 1871, on which interest was paid until after the passage of an act, by the Legislature of 1883, which, the authorities of Lawrence claim, relieved the city from all further liability on these bonds. The permanent school fund has thus, in plain violation of section 3, article 6, of the Constitution, been diminished to the extent of \$114,000, and it should be the duty of the Legislature to take some action looking to replacing this amount.

The Permanent School Fund is principally derived from the sale of school lands granted to the State by Congress, viz.: the sixteenth and thirty-sixth section in every Congressional township, and from the five per centum on all sales of public lands within the State. There are 2,258 Congressional townships in the State, and two sections in each township would make an aggregate of 2,890,240 acres of land. The State also received from Congress, on its admission, five hundred thousand acres of land, but this amount was, many years ago, diverted from its original purpose, and given to aid in building railroads.

The sale of the school lands, however, should have yielded a permanent school fund of fifteen or twenty million dollars, and would have done this if the land had been properly guarded and sold. But the Legislature provided, for its sale, the most absurd and improvident system that could possibly have been devised, and under this reckless and pernicious legislation the Permanent School Fund has already been deprived of more than one-half of the benefits it should have realized.

I called the attention of the Legislature to this subject two years ago, as did each of my predecessors for eight years previously, but nothing was done to reform the abuses of the system. I again invoke your consideration of this matter, and earnestly trust that some action will be taken to protect what remains of our school domain from despoliation.

How many acres of school land have been sold, what lands remain unsold, how much money remains unpaid on lands that have been sold, and what amount of interest is due on land sold on time--all this information, which it seems to me, should be of record in some State department, and accessible at any time, I have been unable to obtain. Neither the State Auditor nor the Superintendent of Instruction can furnish any of these facts. Surely, the State ought to have a record of the unpaid principal of school lands sold, and of the lands yet unsold. The determination of this question involves, probably, four or five million dollars, yet it has been treated, by every Legislature that has assembled for ten years past, as if it was a matter of no interest to the State or its people. There are no data, in any State office, so far as I can learn, on which to base even an approximate estimate of the future receipts of this large and important fund.

The School Fund Commissioners are meeting with increasing difficulties, year after year, in keeping this fund invested. The law governing such investments needs attention, and the Legislature should devise some plan by means of which the money coming into the school fund can be promptly invested in safe interest-bearing securities.

CHARITABLE INSTITUTIONS.

The biennial report of the Board of Trustees of State Charitable Institutions, with its accompanying reports of Superintendents and other officers, furnishes detailed information concerning the condition, expense and requirements of the Asylums for the Insane at Topeka and Osawatomie, the State Reform School at Topeka, the Institution for Education of the Deaf and Dumb at Olathe, and that for the Education of the Blind at Wyandotte, the Asylum for Idiotic and Imbecile Youth, now at Lawrence, but soon to be removed to Winfield, and the new Soldiers' Orphans' Home at Atchison.

These numerous charitable, educational and reformatory institutions entail upon the State heavy burdens, which increase as our population increases. New buildings and additions, costing \$363,300, were erected during the last two fiscal years, yet all the institutions are crowded to their utmost capacity, and the Trustees present facts and figures showing a demand for additional accommodations. I do not see how such expenditures can be avoided or largely decreased. Burdensome as they are, they are the natural and inevitable result of the rapid growth of the State, and a generous and intelligent people will approve all that are shown to be necessary for the proper maintenance or care of the unfortunate classes, as alike just and beneficent. I ask, in behalf of the reports and recommendations of the Trustees and officers of these charities, a careful and intelligent consideration, and such appropriations as the necessities of the institutions require.

MANAGEMENT OF CHARITABLE INSTITUTIONS.

I again call the attention of the Legislature to the defects of the system provided by law for the management of these institutions. In my judgement it does not afford such supervision as the welfare of these great charities requires. Of the appropriations annually made by the Legislature, about two-fifths are expended by this one Board of Trustees. The institutions in its charge are widely diverse in character, including educational, eleemosynary and reformatory departments. They are also remote from each other, and the Trustees cannot visit them more frequently than once a month. The Board, too, is necessarily composed of men whose time is largely engrossed in their own personal affairs, and the inspections made by them are, therefore, hasty and superficial. It ought to be apparent, when these facts are considered, that the present system of supervision and management is conspicuously inadequate, if not inherently vicious. It is, in fact, neither practical, comprehensive nor economical, and should give place to some system that will provide for a more constant, watchful and intelligent visitation, oversight and inspection.

STATE BOARDS.

It may be said, in this connection, that our entire system of supervision for State Institutions embodies features of extravagance and inefficiency, and ought to be remodeled. The business of the State has outgrown the old methods, and demands others more comprehensive and economical. The Board of Trustees of State Charitable Institutions should be relieved of the supervision of the State Reform School. All the penal and reformatory institutions, including the Penitentiary, the Industrial Reformatory, and the Reform School should be under the supervision of one Board, composed of not more than five members. One member of each of these two Boards, its Chairman or its Secretary, should devote his entire time to such duties of visitation, auditing accounts, inspecting supplies and property, etc., as might be devolved upon him by law, and the mileage system should be abolished. The savings effected by the changes thus

recommended would more than provide for the salaries of the officers thus regularly and constantly employed, and the State would, at the same time, secure services essential to the proper management of its eleemosynary and penal institutions.

THE MILEAGE SYSTEM.

The payment of members of State Boards or other officers under the mileage system is extravagant and vicious, and should be entirely abolished. It has nothing to recommend it. It is unjust alike to the public and to the officers who are thus paid, subjecting the State to unnecessary expense, and its servants to unmerited suspicion and criticism.

It is unjust, also, to those sections of the State remote from its public institutions. The eastern third of Kansas was settled years before the western two-thirds was inhabited, and, as a natural result, nearly all of our public buildings are located in that section first occupied. Under the mileage system, therefore, the appointing power is confronted with the alternative of denying representation on the State Boards to the western half of the State, or of appointing members whose lawful mileage will make the expenses of such Boards appear extravagant.

This system results, also, in grossly unequal payments for equal services. One member of a Board travels five hundred miles, going and returning, to attend a meeting which lasts two days; another travels sixty miles. The first receives, under the law, \$56; the other receives \$12. Yet both render the State equal service, and occupy about the same time in discharging their respective duties.

There is inequality, also, in the mileage allowed different Boards. The law gives the Penitentiary Directors 15 cents per mile, and the Industrial Reformatory Commissioners the same, while the Trustees of State Charitable Institutions and Regents of the three State Schools receive only 10 cents per mile. This difference is in keeping with the absurd system, but cannot be explained or justified on any reasonable hypothesis.

The mileage system is unjust, demoralizing and vicious, and should be abolished. Every member of a State Board should be paid a liberal per diem for services, and necessary expenses while traveling to or returning from meetings. Every provision of law which allows any officer or employee of the State mileage payments, should be at once repealed.

THE PENITENTIARY.

The report of the Directors of the Penitentiary, including the reports of the Warden, Superintendent of Coal Mine, and other officers of that institution, are submitted herewith. They present, in detail, the condition and work of the Penitentiary during the last biennial period, and furnish estimates of its needs for the future. The necessity for a female prison and a ward for the insane is apparent. The institution is crowded beyond its capacity. On the first of July, 1884, it contained 751 prisoners; July 1st, 1885, this number had increased to 840; July 1st, 1886, to 869; and on the 1st of January, 1887, the number was 954. There are only 700 cells in the institution, so that in each of 254 cells, two prisoners are placed.

The Penitentiary continues self-sustaining. For the fiscal year ending June 30th, 1885, the earnings aggregated \$190,466.91; expenditures, \$148,201.02; excess of earnings, \$42,265.89. For the fiscal year ending June 30th, 1886, the earnings aggregated \$220,785.07; expenditures, \$169,579.71; excess of earnings, \$51,205.36. Excess of earnings over expenditures during the two fiscal years, \$93,471.25. In the expenditures, too, are counted a total of \$45,129.04 for

permanent improvements, so that the earnings of the institution, during the last biennial period, really exceeded its expenditures \$138,600.29. The total cost of maintaining the prisoners, including salaries, boarding, clothing, bedding, and all other expenses properly charged to maintenance, has also been steadily reduced. For 1870 it averaged 60 1/2 cts. for each prisoner; for 1875, 52 84/100 cts.; for 1880, 41 88/100 cts.; and for 1886, 41 2/5 cts.

The Kansas Penitentiary is regarded, by students of the penal and reformatory institutions of the United States, as a model prison. Its discipline is firm, but humane. The prisoners are well cared for, both physically and morally. The Warden, Capt. John H. Smith, has exhibited, in his management of the institution, the highest qualities of a prison official--thorough business capacity and untiring energy, combined with firmness and kindness; and he has had, in all his efforts to improve the prison, the support of the Directors and the cordial cooperation of his subordinate officers.

THE STATE REFORMATORY.

One wing of the new Industrial Reformatory, at Hutchinson, is nearly completed, and the Legislature should make provision for organizing its official force, and for the erection of the administration and other necessary buildings. In my special message of 1886, I expressed my warm approval of the purpose of this institution, and my belief that not one-half of the prisoners sentenced to confinement in the Penitentiary naturally belong to the criminal classes. Their age, the nature of their offenses, the light sentences imposed on many of them, and the frequent appeals made in their behalf for executive clemency, by Judges, Prosecuting Attorneys and jurors, all justify the belief that hundreds of these youthful law-breakers might, by a judicious course of discipline and training, be reclaimed and reformed. I therefore regard the establishment of the Industrial Reformatory as marking a new era in the administration of justice, and sincerely hope that the Legislature will make ample provisions for equipping, opening, and completing it. The report of the Reformatory Commissioners gives full information concerning its present condition and requirements. Authority of law should be given to transfer to the Reformatory, as soon as it is ready for their reception, certain classes of prisoners now confined in the Penitentiary.

THE TWO PENAL INSTITUTIONS.

The Directors and Wardens of the Penitentiary, as you will observe by their reports, present facts showing the necessity of an additional cell house at that institution. There can be no question concerning the necessity of an appropriation for that purpose, if it is not deemed advisable to provide the additional cell room required at the Reformatory, and transfer to that institution, from the Penitentiary, several hundred prisoners. This would relieve the Penitentiary, and, at the same time, fulfill the purpose for which the Industrial Reformatory has been established, viz.: to remove youthful law-breakers, and those convicted of the milder types of crime, from enforced association with old and hardened criminals.

The Legislature should, during its present session, fully determine the character and purposes, as well as the general plan and capacity, of the two institutions; provide laws for their organization and government; direct what classes or grades of law-breakers shall be sentenced to each; and, in brief, determine how each shall be equipped, organized, managed and maintained.

The demand for additional room in our penal institutions does not indicate or prove increasing

criminality or law-breaking. It is a natural result of the rapid growth of the State in population. In 1880 Kansas had only 996,000 inhabitants; our population, to-day, exceeds 1,500,000. The proportion of criminals per capita is not as great now as it was six years ago. In 1880 the Penitentiary contained 691 prisoners, or one for every 1,441 inhabitants. The average number in confinement during the fiscal year 1886 was 837, or one for every 1,792 inhabitants. And the demand for additional room by our educational and charitable institutions are larger and more imperative than are those for increased cell-room in our prisons.

THE SUPREME COURT.

A delay of justice is often an absolute denial of justice. The docket of the Supreme Court is so overburdened that, in many instances, long, expensive and vexatious delays attend the final adjudication of cases brought before that tribunal. Nearly six hundred cases are now on its docket, and over thirty new cases are filed, each month. The three Justices constituting the Court are not able to dispose of more than three hundred cases each year, and the undecided cases are, therefore, steadily increasing.

It is evident that some relief should be afforded. When our Constitution was adopted Kansas had only one hundred thousand inhabitants, thirty-two organized counties, and five Judicial Districts; we have now 1,500,000 inhabitants, ninety-eight organized counties, and twenty-four Judicial Districts.

Every order, decree or judgment entered in these inferior courts, whether the amount involved is large or small, can be taken to the Supreme Court for review. When all these facts are considered, it must be apparent that the Justices of the Supreme Court have imposed upon them such labors as, with due regard for the investigation and study necessary to arrive at just judgments, cannot be performed.

An amendment to the Constitution, proposing an increase in the number of Supreme Court Judges, was voted down at the recent election, by an overwhelming majority. The Court can, however, be relieved in another way, and without expense to the tax-payers. If appeals in civil cases were limited, the business of the Supreme Court might be largely decreased. I have ascertained that nearly one-fourth of the cases now filed in that Court involve sums of less than two hundred and fifty dollars. A very large proportion of these cases are taken up either to obtain delay, or because of bad feeling between the parties litigant. No public or private interest is benefitted, nor are the ends of justice subserved, by such a system of jurisprudence. It seems to me that no civil case where the judgement rendered is less than two hundred and fifty dollars, should be prosecuted by a writ of error in the Supreme Court, unless it involves some public matter, or important law question. Let the decisions of the District Courts in all such cases be final, except in matters affecting land, revenue, or the construction of the Constitution of this State and of the United States; and in all these cases give the District Courts authority to certify up to the Supreme Court the law questions in dispute, without transmitting a complete transcript. It will probably be urged, as an objection to this suggestion, that every citizen should have the right of appealing to the Supreme Court, no matter how small is the sum in controversy; and that by thus limiting the right of appeal to cases involving more than \$250, citizens of limited means are discriminated against. The truth is, however, that appeals to the Supreme Court, in cases involving smaller sums than \$250, are generally taken by wealthy corporations and individuals, employing lawyers at stated annual salaries, and for the purpose of deterring citizens of limited means from bringing actions against them. By taking advantage of the law's proverbial delay, by

increasing the cost of litigation, by subjecting those who are seeking their just rights to innumerable vexations, and by making their expense exceed the amount in dispute, the rich and the strong render the prosecution of just claims a mockery to the poor and the weak, because the amount awarded, when a final judgment is at last obtained, does not equal the expense of the contest for justice. In view of these facts, thousands of citizens submit to wrong and suffer injustice to be done them, rather than resort to the courts for redress.

The remedy I have suggested to correct the manifest and manifold evils of our judicial system may not be the best that can be devised. But the necessity for affording relief to the Supreme Court, and of providing for a prompt hearing and adjudication of causes, and a less expensive and more equitable vindication of individual rights, is imperative. I commend this subject to your attention, and earnestly hope that adequate remedies will be provided to remove the causes of just complaint I have pointed out.

LAWS AND SUPREME COURT REPORTS.

Provision should be made for electrotyping the laws of the State, and the Supreme Court reports, as they are printed, so that new editions can be published to meet the demands of the future. The cost of electrotyping these volumes would be small, and its necessity is apparent. There are no volumes of the Kansas laws now in charge of the State Librarian, for sale. Even the edition of the session laws of 1885 was long ago exhausted. Of the Supreme Court reports, volumes one to twenty-eight are out of print. Volumes one to seventeen have been printed by private dealers, to meet the demand for them. The sale of these laws and reports is a source of profit, not of expense, to the State, and there is always a demand for a much larger number than is printed. Of session laws, 4,500 volumes, and of Supreme Court reports, 1,000 volumes are now published. The original edition of each should be increased, and provision should be made for electrotyping the volumes, as issued, so that the demands of the future can be supplied.

THE DISTRICT COURTS.

Two years ago I called the attention of the Legislature to the necessity for an equitable division of the State into Judicial Districts. We have now twenty-four District Judges, and if their labors were fairly apportioned, not one of them would be overburdened, and all the legal business of the State could be promptly and fairly dispatched.

But as the Judicial District are now formed, several of the Judges have abundant leisure, while others, holding courts every month, are unable to keep their dockets clear. A general redistricting of the State would avoid the necessity of creating new Districts, and thus prevent an increase of judicial expenditures. Such a redistricting is advisable for very many other reasons, equally apparent and urgent.

OUR DIVORCE LAWS.

Grave complaints are made, from many sources, concerning our laws relating divorce, which, it is believed, establish such grounds for separation as inevitably tend to make the marriage contract one carelessly assumed because easily abrogated. At a single term of District Court, in one county, fourteen divorce cases, all brought within three months, were on the docket. The most common ground for these suits is "abandonment for one year," and, between parties who

for any cause desire to obtain a divorce, collusion upon this ground is easy, and the necessary proof readily furnished. It is believed that citizens of other States are taking advantage of this loose provision of our laws, and coming here for the sole purpose of obtaining a divorce. Our laws on this subject should be amended, and this objectionable provision repealed.

THE ATTORNEY GENERAL'S OFFICE.

During the last few years the duties devolved upon the Attorney General have been largely increased. The passage of the prohibitory law has, it is fair to say, more than doubled the work of his office. Suits to set aside fraudulent school land sales have been numerous and exacting. Many cases of importance to the State are being prosecuted in the United States Courts, as that of the Pullman Car Company, to enjoin the collection of taxes levied on its cars, and that of The Educational and Endowment Association vs. The State of Kansas. No provision has ever been made for the payment of costs and other necessary expenses attending such suits, nor for the payment of such Assistants as the law directs the Attorney General, in certain cases, to appoint. Adequate appropriations to meet expenses and costs would greatly facilitate the prosecution of State cases.

THE STATE BOARD OF PARDONS.

The State Board of Pardons has held such meetings as the law requires, has carefully and patiently investigated all applications made for the pardon of law-breakers, and has submitted to me full and intelligent reports of its findings in each case, with such recommendations as, in the judgement of its members, the facts ascertained seemed to justify. The Legislature, in providing for such a tribunal, acted wisely. The exercise of the pardoning power by the Executive, before the creation of this Board, was practically without responsibility. It was, therefore, too often looked upon as an act of personal favor, and the friends, family or counsel of a convicted criminal importuned the Governor for clemency, basing appeals on their affection, suffering, or interest, rather than on fair consideration of justice and mercy. The value of the investigation and advice of such a tribunal as the Board of Pardons cannot, therefore, be estimated too highly. The present Board has discharged its duties with painstaking carefulness, intelligence and impartiality, letting mercy wait on justice, but bearing in mind the fact that, in some instances, the strict letter of the bond is cruelty.

OUR ELECTION LAWS.

Frequent complaints are made, in the public press, concerning the loose manner in which elections are conducted, and it must be evident to every impartial observer that our election laws need amendment. Every safeguard which experience suggests as necessary, should be adopted to secure a fair, honest vote, to protect voters against deception, and to insure an honest count of the ballots cast.

The registry law now in force is notoriously defective. It promotes and encourages, rather than prevents, illegal voting. I respectfully renew the recommendations embodied in my last biennial message, concerning the provisions which should be embodied in a registration law.

Stringent laws should be adopted to prevent the printing or circulating of fraudulent tickets-- tickets purporting to be what they are not. Every citizen has an unquestioned right to vote for any

candidate he favors, no matter on what ticket such candidate's name may appear; but, on the other hand every citizen should enjoy the equally unquestioned right to be protected against deceptions practiced by means of tickets which are not what their heading proclaims them to be. The circulation of such fraudulent tickets should be prohibited, under severe penalties.

Thousands of voters are, at each election held in this State, practically deprived of their right to vote for the candidates of their choice by the circulation, at the polls, of such fraudulent tickets as those referred to.

No man who cannot read and write should be permitted to act as judge at an election. Such qualifications are absolutely essential to the performance of the duties of this office.

General dissatisfaction is expressed concerning the election of township officers at the annual fall election. It has resulted only in complicating issues, in promoting a disgraceful system of "trading" candidates, and in prolonging the count of ballots. In many instances election boards have been in session for nearly twenty-four hours after the polls were closed, before the count of ballots could be completed. The change made at the special session of 1886, in the time of holding elections for township officers, has nothing to recommend it, and the old system of spring elections should be restored.

THE INSURANCE DEPARTMENT.

The report of the Superintendent of Insurance presents full information concerning the financial standing of the Companies transacting business in this State. It also embodies a number of suggestions and recommendations touching our insurance laws, to which I direct your considerate attention. The great importance of providing the most efficient safeguards for the protection of policy holders, is demonstrated by the enormous sums annually paid by our people to secure that protection against loss which a well-regulated and honestly-conducted insurance business ought to and will afford. During the year 1885 the risks written in Kansas aggregated \$115,135,272, and the premiums paid thereon, by our citizens, aggregated \$2,003,682. The losses paid during the year, by the insurance companies carrying these risks, aggregated \$702,927. The receipts of the companies were, therefore, \$1,300,755 in excess of the losses paid. A business yielding such enormous profits ought to secure for the insured absolute protection, and it is the duty of the Legislature to see that every possible legal safeguard is provided against unsafe, dishonest or recklessly managed companies.

I direct your attention to, and renew, with earnestness and emphasis, the suggestions and recommendations of my biennial message of 1885, touching the conditions and stipulations contained in insurance policies. It seems to me that it is the plain duty of the Legislature to protect the citizens of Kansas against such manifest wrongs and injustice as may be perpetrated under the conditions and stipulations referred to. Many States have enacted laws having this purpose in view. I invoke your special consideration for this subject, and earnestly trust that it will receive early and favorable action.

Our laws require the Superintendent of Insurance to make an annual report to the Governor. This law was enacted before the Constitutional amendment providing for biennial sessions of the Legislature was adopted. I would recommend that the insurance law be amended, so as to require, from the head of that department, a biennial report. I would also call your attention to the requirements of section 13, chapter 93, Session Laws of 1871. It seems to me that much of the information called for by this section need not be included in the Superintendents's report. So many companies are now doing business in Kansas that a publication of "the information

contained in the statements" required from such companies swells the Superintendent's report to an expensive volume of 365 pages. Not one-third of this matter is of any general interest or value, and it ought to be eliminated from the published reports, thereby effecting a large reduction in the State's printing bills.

THE STATE HOUSE.

The report of the State House Commissioners will furnish you a detailed account of the progress of work on the Capitol, and the cost of the same. The new Senate Chamber is one of the most beautiful assembly rooms in the United States. The walls of the central wing of the building have been furnished to the height of the first story. The Commissioners have invited architects to submit plans and specifications for completing the building, and will present those received for your consideration. I cordially approve the recommendation of the Commissioners, that the south wing of the Capitol be completed before any further work on the north wing is begun. By adopting this plan of construction, the Supreme Court and Executive officers of the State can be furnished with much-needed rooms within two years, and without increasing the tax-levy for State House purposes.

THE ADJUTANT GENERAL DEPARTMENT.

The Kansas National Guard has been fully organized under the provisions of the militia law of 1885. It is composed of four regiments and one battery, comprising an effective force of 2,020 officers and men. The report of the Adjutant General furnishes full information concerning its organization, equipment and needs, and I commend his suggestions, together with the recommendations of the Military Board, to your considerate attention.

No State in the Union can muster a finer body of young men than those enlisted in the Kansas National Guard, and their appearance, drill and soldierly conduct, in camp and field, have justly received the highest praise.

In March last, in response to a call from the Sheriff of Labette county and the Mayor of Parsons, I ordered one Regiment of the Guard--the First--on active duty, to support the civil authorities in maintaining law and order. Within six or eight hours after the command was issued, every company was in its armory, ready for duty, and within twenty-four hours the whole Regiment was concentrated at Parsons. Its presence there at once restored order, and enabled the civil officers to reassert their authority. The promptness with which the officers and men responded to the call made upon them, and the admirable temper, good sense and prudence displayed by them in discharging the delicate duties of their position, were in the highest degree commendable.

The Adjutant General has succeeded in having an old claim of the State, amounting to \$24,448.50, on account of arms issued to the Territory of Kansas, and charged, by the Ordnance Department of the General Government, against the State, adjusted and allowed. The ordnance account of Kansas had, previous to the adjustment of this account, been overdrawn \$12,635.73. The credit given the State relieved it of this overdraft, and gave Kansas a balance of \$11,812.77. The enrollment of volunteer soldiers of the Union army, now residing in the State, has been completed, and the names of nearly one hundred thousand soldiers, arranged in alphabetical order, and by States and regiments, are now recorded in the books of the Adjutant General's office. These records fill fifteen large volumes, and will be of great value to soldiers seeking the post-office address of surviving comrades. The Adjutant General has already been enabled to

answer over four thousand inquiries concerning soldiers who are now citizens of Kansas. Sections 28, 29 and 30, of the militia law of 1885, should be repealed. They confer dangerous powers upon officers of the National Guard, Sheriffs, and Mayors of cities, authorizing them to invoke and use the military force of the State, at their own discretion. These sections, it seems to me, are in plain violation of section 4 of article VIII of the Constitution, which confers upon the Governor the sole power "to call out the militia to execute the laws, to suppress insurrection, and to repel invasion."

A HISTORY OF KANSAS REGIMENTS.

Shortly after the close of the civil war, the Legislature directed the publication of a history of Kansas regiments. A few sketches, all of them brief, and many of them worthless as historical records, were written, and a small volume containing them was printed. Nearly the whole edition of this volume was destroyed by fire, shortly after its publication, and very few copies of it are now in existence. In view of the splendid record made by the young State during the war of the Rebellion--for Kansas furnished more soldiers, in proportion to population, than any other State of the Union, and the percentage of her soldiers killed and wounded in battle was greater than that shown by any other State--it would seem appropriate that something should be done to collect and preserve, in permanent form, a history of the Kansas Regiments. Many other States have published such histories, and Kansas, grown rich and great, should not neglect to preserve the records of the soldiers who made her heir to the glory of their achievements, and reflected undying luster on her name.

STATE MINE INSPECTOR.

Section 4 of Chapter 143, session laws of 1885, requires the State Mine Inspector to submit his annual report to the Governor "on the first day of February each year." This provision should be changed so that the report required may be transmitted in season to be presented to the Legislature on its assembling.

The State Mine Inspector's report for the year 1885 is herewith submitted. That for the past calendar year cannot be transmitted until after the 1st of February, prox.

The coal-mining industry in Kansas has assumed vast proportions, employing thousands of men and millions of capital. The output of the mines for 1884, was 27,500,000 bushels; that for 1885 aggregated 30,001,427 bushels; and that for 1886 will probably exceed 35,000,000 bushels. The present Mine Inspector has had a long and valuable experience as a working miner and mining engineer, and his thorough knowledge of the business qualifies him to suggest such practical safeguards as are necessary to secure the safety and promote the health of the operatives in our mines. His recommendations concerning needed changes in our mining laws, the proper ventilation and drainage of mines, and the machinery that should be supplied to guard against accidents, are, therefore, approved, and commended to your consideration.

THE LABOR BUREAU.

The Commissioner of Labor Statistics has collected, and will present, for your consideration, many important facts and statistics relating to the industrial, commercial, social, educational and sanitary condition of the laboring classes. I trust the information and suggestions embodied in his

report will receive your careful consideration. The statute books of Kansas contain more laws designed especially to protect workingmen, and to secure justice for them, than do those of any other State in the Union. This beneficent legislation began, nearly twenty-seven years ago, with the adoption of a constitutional provision exempting the homestead of every citizen from forced sale, under any process of law. It has continued from year to year, as wrongs were pointed out and grievances presented, until, as I have said, the statute books of the State embrace an unusually large number of acts designed to secure laboring men against the encroachments of capital, and to provide remedies for injustice done them. It should continue until the removal of abuses and the vindication of justice is complete. Capital has a right to fair profits; labor has a right to fair wages; and the laws should, if possible, guarantee these rights to each. Self-respecting and law-abiding workingmen neither expect nor demand more than this, and the just judgment of an intelligent people will indorse any legislation having that end in view.

BOARD OF AGRICULTURE.

The monthly and quarterly reports of the State Board of Agriculture have maintained the high standard of excellence that has always distinguished the publications of that department. Its biennial report will soon be issued, and will furnish full details of the agricultural and industrial development of Kansas, the census of 1885-6, and many other statistics and facts of general public interest and value. This department has been, and for years to come will be, invaluable to Kansas.

SILK CULTURE.

Several agricultural and kindred organizations have called my attention to the importance of encouraging silk culture in Kansas. The Mennonite settlers in the Central portion of our State, who were extensive cocoon growers in their native land, and other citizens who have made practical experiments in cocoon growing, agree that the soil and climate of Kansas are specially adapted to sericulture. In several foreign countries this industry affords remunerative employment to millions of rural and suburban people. If it can be successfully conducted in this State, its value can hardly be estimated. Certainly the subject is worthy of a careful investigation, and I respectfully suggest that a Legislative committee be appointed to ascertain such facts as are attainable, and to recommend such action as may be deemed necessary or advisable.

STATE HISTORICAL SOCIETY.

Large and valuable additions to the collections of the Historical Society have been made during the past two years. Its library now numbers 8,027 volumes of books, 5,570 volumes of bound newspapers, and 18,666 pamphlets. It has also accumulated a vast collection of manuscripts, miscellaneous papers, relics and pictures. There are now 753 newspapers and periodicals published in this State, and the regular issues of these are all being preserved in the library of the Society. It is doubtful whether any other State of the Union has been able to collect and preserve such full and interesting records of its political, material, religious, educational, and industrial progress as are those now in charge of the Kansas Society. These records are growing more valuable every year, and the Legislature should make ample provision for preserving them, and for adding to the collections.

THE STATE'S AGENT AT WASHINGTON.

The report of Hon. Samuel J. Crawford, the State's Agent at Washington, embodies full information concerning various claims of Kansas against the general government. Some of these claims have been finally adjusted; others are still pending. The suggestions made by Gov. Crawford touching the work in his charge should receive your attention, and instructions should be given for his guidance in the further prosecutions of claims in which the State and its people are interested. He is thoroughly familiar with the rules and methods of the various departments of the general government, and has prosecuted the claims of Kansas with untiring industry and energy.

THE PRICE RAID CLAIMS.

All the information that can be furnished concerning these claims, is embodied in the report transmitted to the Legislature during the special session of 1886. The facts ascertained and the recommendations made by the Price Raid Commissioners, in that report, are commended to your attention, as are also the statements contained in the report of the State Agent at Washington, touching the same subject.

STATE BOARD OF HEALTH.

The State Board of Health submits a report of its proceedings, and of the efforts it has made to disseminate information concerning necessary sanitary regulations, drainage and ventilation, and the best means of preventing disease, controlling epidemics, and improving the general health of the commonwealth. Its report is commended to your consideration.

RENEWED RECOMMENDATIONS.

I renew the recommendations made in my messages of 1885 and 1886, touching the improvement of our public highways, rates of interest, offices of Kansas corporations, the revision and codification of the entire body of our laws, the fees of public officers, the law abolishing capital punishment, the assessment of improvements by occupying claimants, and the submission of an amendment to the Constitution striking the word "white" from section 1 of article 5.

THE GOSS ORNITHOLOGICAL COLLECTION.

The largest and most valuable collection of birds owned by any State in the Union adorns our Capitol, and is the property of the State by the generous gift of Col. N. S. Goss. This collection contains 643 species and sub-species--in all, 1,328 mounted birds. Every known Kansas bird is here, for examination and study by naturalist, and for the delight and gratification of every visitor. During the past year Colonel Goss has prepared a catalogue of these birds of Kansas, and he is constantly adding to this unique collection by visits to every portion of Kansas and to different parts of North America.

PUBLIC PRINTING.

The quality of the work done by the State Printer is admirable. The public documents and reports of Kansas compare favorably with the best specimens of such printing, and their cost is, considering the quality of workmanship, moderate. It seems to me, however, that the aggregate expense of State printing can be materially reduced without detriment to the public service. Many of the reports of State departments and bureaus embody details and statistics that are of no general interest, or that might be largely condensed without withholding from the public any facts of value or importance. A striking illustration of this subject is afforded in the admirable report of the State Treasurer for the biennial period ended June 30th, 1886. The reports of the Treasurer for previous years have embodied a great mass of tables and statistics which were duplicated in the report of the Auditor of State. Thus the Treasurer's report for the two fiscal years ending June 30th, 1884, made a volume of 260 pages, while his report for the last biennial period is comprised in 103 pages. Yet the last report, although condensed into less than half the space, and costing \$1,650 less, presents a full and intelligent statement of the business of the Treasury Department, and a far more comprehensive exhibit of the financial condition of the State than does the report for the biennial period ended June 30th, 1884.

Another illustration of useless printing may be found in the report of the Trustees of State Charitable Institutions. Seventy-six of the 219 pages of that report are occupied by tabular statements of supplies on hand, purchased and issued, materials drawn and returned, inventories of property, articles purchased, etc. These statements are all "rule-and-figure work," costing double or treble price for composition. No public interest is subserved by their printing, for they embody no information of interest or value to the people. Such statements might be submitted, in writing, for the consideration of the Legislature, or filed with the State Auditor, but it seems to me that it is useless, not to say absurd, to include them, year after year, in printed reports. Similar accounts, inventories, etc., are published in the reports of the officers of the Penitentiary, and I have directed your attention, in other portions of this message, to like instances of unnecessary printing.

The present officers are not justly subject to criticism for such publications as these. The laws, either by specific direction or by implication, require the fullest detailed information from them, and the custom of years, with the full knowledge and assent of the Legislature, has added the weight of its authority to this practice. But it is time to put a stop to this useless expense. Each year, as the departments and institutions of the State multiply and grow, the reports of their condition, needs, etc., increase in number, and the tendency to include in them matter of no public value or interest, is constant. The Legislature should, therefore, make a thorough investigation of this whole subject, and give specific directions touching it, to the end that all unimportant matter may be eliminated from published reports, and that a duplication of statistics and facts may be avoided. An enormous reduction in the annual printing bill of the State can thus be effected.

In this connection, it seems proper, also, to call your attention to an abuse that has grown up, during recent years, in the Legislature, and which results in a large and unnecessary expense. Very many of the bills submitted in one House are introduced, in duplicate, in the other, and are ordered printed by each, thus incurring a double expense. Many reports, too, are printed, in full, in the journals of both houses. The biennial messages of the Governor to the Legislature are printed in the journals of both Houses, as were, also, the accompanying reports transmitted to the Legislature during the special session held last year. If a rule was adopted forbidding the printing of bills in duplicate, and if a Joint Committee on Printing should be given authority to determine

in which journal messages or reports should be transcribed and published, a material reduction of expense could be effected.

THE PROHIBITION LAW.

Three general elections have been held, in Kansas, since the adoption of the prohibition amendment to the Constitution. At each of these elections the people have re-affirmed their decision against the manufacture or sale of intoxicating liquors as a beverage, by electing Legislatures pledged to the support of the amendment. At the election in November last this question was a paramount issue, and again, by an emphatic majority, the sovereign verdict of the people was pronounced against the saloon. No fair-minded citizen can, no law-respecting citizen will, refuse to respect this judgment.

It is your duty, gentlemen of the Legislature, to see that laws are enacted which will give practical effect to the decision of the people on this question. I stated, in my message a year ago, that while the law of 1885 embodied some defects, its general results had been very favorable. I have seen no occasion to reverse this judgment. A great reform has certainly been accomplished in Kansas. Intemperance is steadily and surely decreasing. In thousands of homes where want and wretchedness and suffering were once familiar guests, plenty, happiness and contentment now abide. Thousands of wives and children are better clothed and fed than they were when the saloons absorbed all the earnings of husbands and fathers. The marvelous material growth of the State during the past six years has been accompanied by an equally marvelous moral progress, and it can be fairly and truthfully asserted that in no portion of the civilized world can a million and a half of people be found who are more temperate than are the people of Kansas.

NECESSARY AMENDMENTS.

The prohibitory law, however, embodies some defects, and should be amended.

First, The authority it vests in Probate Judges is arbitrary, and may be, as in some cases it has been, abused. If a Probate Judge grants a druggists' permit to a person of bad character, any citizen should have a right to appeal from the Judge's decision to the District Court, and show that such permit should be revoked. And, on the other hand, if a Probate Judge refuses a permit to a druggist of good character, the druggist should have a right to appeal, in his own behalf, to the District Court, and show, if he can, that he has been unjustly discriminated against.

Second, Instead of the statements now filed, in purchasing liquors for medical, mechanical or scientific purposes, an affidavit should be required, and druggists should be authorized to administer oaths. Severe penalties should be imposed on any one who makes a false affidavit for the purpose of procuring liquor, and on druggist who fail to return to the Probate Judges all affidavits filed.

Third, Probate Judges should be allowed a fixed sum for the services they are required to perform under the prohibition law, and should be prevented, under penalties, from collecting the fees they now collect on statements filed. The Attorney General holds that this fee of five cents on statements filed is illegally charged, but it has been demanded and paid, in nearly every county of the State, under a species of duress, the arbitrary powers lodged in the hands of Probate Judges enabling them to enforce collection without serious resistance. The large sums thus collected have, too, tempted the cupidity of Probate Judges, and, in many instances, have brought about a looseness in the granting of permits that has enabled men who had no practical

knowledge of the drug business, and no intention of engaging in a legitimate drug trade, to establish so-called drug stores, which are merely liquor stores in disguise. This class of drug stores ought to be, and can readily be, abolished.

Fourth, The authority of the State Board of Pharmacy should be enlarged, and all druggists should be required to obtain a certificate from that body before they can obtain permits from the Probate Judge. As a class, the druggists of Kansas are as honorable men as are those engaged in any other legitimate business. They are as earnestly anxious as any other citizens can be to purge their profession of those who are discrediting it by selling liquors for unlawful purposes. And, acting through a representative Board of their own profession, they can be relied upon, I believe, to cooperate with and promote the work of driving out of the drug trade those who are degrading it by violating the laws of the State.

I firmly believe that these changes will largely, if not entirely, remove all reasonable objections to the present law and I am confident that they will effect great and desirable reforms in the sale and use of intoxicating liquors.

THE ENFORCEMENT OF LAW.

Our general theory and practice of law enforcement, however, needs attention. Section 3 of article I, of the Constitution, provides that "the supreme executive power of the State shall be vested in a Governor, who shall see that the laws are faithfully executed." This provision of our organic law is, practically, a dead letter, because no authority has ever been conferred upon the Governor to compel local officers, who are alone entrusted with the enforcement of the laws, to do their duty. Nearly eleven years ago one of my predecessors called the attention of the Legislature to this subject in a special message, in which he said:

"To the local officers the execution of the laws is directly entrusted Over them the Executive has no control. Indeed, the procedure prescribed by law to be employed against derelict local officers is so cumbrous and dilatory in its nature that the inevitable delays often work a complete subversion of justice. I am far from recommending that extraordinary powers be vested in the Executive. The exercise of such would be distasteful to me, and would be more likely to bring reproach than honor to any chief magistrate. It occurs to me, however, that in cases where local officers persistently omit or refuse to perform manifest duties, or undertake them with the evident purpose of defeating the ends of justice, it is not sufficient that the penalties of the law should be invoked against them; but, where matters of importance are at stake, some one should have authority to cause the duties neglected or slighted to be faithfully performed.

"Such instances have occurred and are liable to be repeated. It has been the misfortune of some of our new counties that the machinery of their governments was put in motion by confederations of unprincipled men, who have anticipated the public revenues and impaired the credit of the counties for their own corrupt purposes. Crimes of this character, as well as those against the lives and property of peaceable citizens, have too frequently gone unredressed. Local officers whose duty it was to prosecute the offenders have either been indifferent to the offenses, or implicated in them."

Nothing was done at that time, nor has any remedy since been provided, that would enable the Executive to fulfill the duty devolved on him by the Constitution. County and city officers may

abuse or fail to perform their lawful functions; they may aid, abet or encourage persons who are daily and hourly defying and violating the Constitution and laws of the State; they may neglect or refuse to prosecute such offenders even when the facts are brought to their notes; and yet the Executive has no more power to compel them to do their duty, nor to punish them for refusing to do it, than has any citizen.

I neither seek nor wish to exercise autocratic authority. I do not believe that any interests, either of morality, justice or law, can or would be promoted by vesting any officer with arbitrary power. But surely some legal machinery ought to be provided to enable the Executive to fulfill the requirements of the Constitution, and compel local officers to discharge the plain duties of their positions.

That intoxicating liquors are sold, as a beverage, anywhere within the limits of Kansas, is not because of faults in our laws touching this question. Those laws, defective as they are in some features, are ample enough in their directions, restrictions and penalties to punish every person who either sells or buys liquors for unlawful purposes. There is not a town, city or neighborhood in the State in which an illegal traffic in liquors can be carried on for a single week if the local officers discharge the duties plainly enjoined upon them by law, with zeal and fidelity. Provide the necessary laws to compel local officers to discharge their sworn duties, and to remove them when they neglect or refuse to do so, and there will be no need to make many other charges in our statutes. On the other hand, no matter what amendments are made, nor what provisions are added to the present law, they will be ineffectual so long as the municipal authorities of cities or counties can nullify or disregard them without fear of removal of punishment.

RESULTS OF PROHIBITION.

The public sentiment of Kansas is overwhelmingly against the liquor traffic. Thousands of men who, a few years ago, opposed prohibition, or doubted whether it was the best method of dealing with the liquor traffic, have seen and frankly acknowledge its beneficent results and its practical success. The temptations with which the open saloon allured the youth of the land to disgrace and destruction; the appetite for liquor, bred and nurtured within its walls by the treating custom; the vice, crime, poverty, suffering and sorrow of which it is always the fruitful source--all these evil results of the open saloon have been abolished in nearly every town and city of Kansas. There is not an observing man in the State who does not know that a great reform has been accomplished in Kansas by prohibition. There is not a truthful man in the State who will not frankly acknowledge this fact, no matter what his opinions touching the policy of prohibition may have been. And I firmly believe that if the amendments to the law I have suggested are made, and if authority is provided for compelling local officers to discharge the duties required of them by law, within three months there will not be an open saloon in Kansas, and the sale of intoxicating liquors as a beverage will be practically abolished.

RAILROADS.

The growth of the railway system of Kansas, during the past two years, has been phenomenal. Fully 1,250 miles of new road have, during that period, been completed, and since the first day of January, 1886, not less than 1,100 miles have been finished. Many of the old lines have, also, been generally and substantially improved. In January, 1886, not less than 1,100 miles have been finished. Many of the old lines have, also, been generally and substantially improved. In January,

1885, thirty-one of the counties of Kansas, as then defined, had not a mile of railway within their borders. To-day all except fourteen of our one hundred counties are traversed by one or more lines of railway, and within six months at least seven additional counties will be provided with railroad facilities. There are, at present, 6,060 miles of railway in operation within the limits of the State.

This marvelous development of our railway system, gratifying as it is to the pride of every citizen, is nevertheless a source of just anxiety and apprehension. While our great railway corporations are, in theory, the mere creatures of the State, they are really organized for the personal profit of their owners and managers, and, unless regulated and controlled by just laws, they may exert their vast powers to injure or oppress the people. It is, therefore, alike the right and the duty of the State to exert its authority to protect each and all of its citizens against extortions or discriminations by the railways.

Experience has confirmed the opinion I expressed, two years ago, that the Commissioner system, with ample powers vested in the Commission, is the best method of dealing with or regulating railroads. The Railroad Commissioners of Kansas have been able, without friction or serious difficulty, not only to amicably adjust a very large number of controversies, but to bring about large and important reductions in freight rates. During the fiscal year ended June 30th, 1883, the gross receipts, from freights, of all railroads reporting to the Commissioners, amounted to \$45,135,331.64. During the fiscal year ended June 30th, 1886, the freight traffic over the same roads exceeded that of 1883 fully 3,379,351 tons, or 26 per cent. This largely increased tonnage was, however, transported over the same railroads, for the year ending June 30th, 1886, at a total charge of \$41,132,234.05, or \$4,003,097.59 less than the amount collected on the lesser tonnage of 1883. The reduction of freight rates effected by the Commissioners, during the past three years, has been fully 26 per cent.

There are, however, some legal restraints and regulations which only the law-making power can provide. The railway corporations should be prohibited from engaging, either directly or indirectly, in any other business except that of common carriers. If these great corporations are allowed to embark in commercial, industrial or agricultural pursuits, individual enterprise is paralyzed, legitimate competition is made impossible, and the railway companies will soon monopolize every business that should afford full scope for the personal energies of the people. The great and startling peril of the future, if needed it is not a danger present and immediate, lies in these vast and inexorable accumulations of capital, which are steadily but surely driving individual effort and industry from all fields of human activity. It is an imperative duty of the law-making power, National as well as State, to check these ruinous tendencies to corporate and syndicate organization, and to do it promptly, vigorously and thoroughly.

The issuing of so-called "watered stock" should also be prohibited, under the severest penalties. No railway company should be permitted to issue a single dollar of stock in excess of the actual cost of building and equipping its road.

Some means should also be devised to compel foreign corporations to pay their just proportion of taxes on cars used in the carrying trade of Kansas. The Pullman Car Company, and dozens of freight and other Companies, have constantly in use, in Kansas, hundreds of cars on which not a dollar of tax is ever paid. The tax-dodging practiced by these wealthy corporations is not only an outrage on the people, who are compelled to bear burdens thus shirked, but is insulting to the dignity and authority of the State. Measures should be adopted to enforce the payment of taxes on cars thus used in Kansas. If no other remedy can be found, the railways of Kansas should be prohibited from using cars on which taxes are not paid.

The full and comprehensive report of the State Board of Railroad Commissioners furnishes many suggestions an much valuable information touching our railways, their management, receipts, expenditures and indebtedness, and their carrying trade during the past year.

JNO. A. MARTIN.
EXECUTIVE OFFICE,
TOPEKA, KAS., Jan. 11th, 1887.

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