

Lyman Underwood Humphrey

BIENNIAL MESSAGE OF LYMAN U. HUMPHREY GOVERNOR, TO THE LEGISLATURE OF KANSAS, 1891.

MESSAGE.

To the Senate and House of Representatives:

The absolute independence of each of the several coordinate branches of the government, executive, legislative and judicial, is jealously hedged about in the frame-work of the constitution. But these several branches are designed to constitute one harmonious whole, acting together in a spirit of friendly cooperation to the end that the best results in government may be attained.

Hence the constitutional requirement, in obedience to which it becomes my duty and pleasure as well to address you at this time, communicating for your consideration such information as I may possess, together with such recommendations touching needed legislation as may have been suggested by observation and experience during the past two years of my incumbency as chief executive.

The making of laws for a great state, with its varied interests and vast concerns, involves grave responsibilities, presupposing an accurate knowledge of the needs and condition of the people, some degree of familiarity with the methods of legislation, and sufficient time for the discussion of important measures. The people, however, at the late election refused to extend the life of the legislative session beyond the fifty-day limit prescribed in the constitution. And experience admonishes us that, aside from the consideration of appropriation bills and other measures absolutely necessary to the maintenance of the state government, but little time usually remains for the due consideration and discussion of legislation of a general character. The necessity, therefore, of economizing time by promptness in organization and the utmost diligence and industry afterward, is so important that I cannot forbear the suggestion.

For the time being, the prosperity, the honor and good name of Kansas, are in an especial degree within your keeping. And sharing with you this high responsibility, it is confidently hoped that as fellow-citizens of the state, having a common interest in its affairs and alike concerned in whatever may promote the well-being of all the people, there will be manifest at all times both friendly cooperation and substantial accord in all matters of state concern, regardless of whatever difference of view may exist respecting those questions falling wholly within the scope of congressional legislation.

KANSAS--THIRD DECADE.

Kansas has rounded out the third decennial period, and her growth in the last decade is certainly gratifying, as shown by the following vital statistics from the reports of the state board of agriculture: The population of the state in 1880 was 996,096; in 1890, 1,423,485; a gain of 43 per cent. The number of acres of field crops in 1880 was 8,868,884; in 1890, 12,844,921; a gain of 44.6 per cent. The value of the field crops in 1880 was \$63,111,634; in 1890, \$79,268,081; a gain of 25.6 per cent. The value of farm products in 1880 was \$80,500,244; in 1890, \$129,144,909; a gain of 60.4 per cent. The value of live stock in 1880 was \$61,563,956; in 1890,

\$113,533,342; a gain of 84.2 per cent. The total assessed value of all property in the state in 1880 was \$160,570,761; in 1890, \$347,717,218; a gain of 116.5 per cent. The amount of capital invested in manufactures in the state in 1880 was \$11,192,315; in 1890, \$45,000,000; a gain of 302 per cent. The number of public school districts in 1880 was 6,134; in 1890, 9,022; a gain of 2,888. The number of children of school age in 1880 was 340,647; in 1890, 509,614; a gain of 168,967. The value of school property in 1880 was \$4,633,044; in 1890, \$10,617,149; an increase of \$5,984,105. The number of church edifices in 1880 was 964; in 1890, 2,339; a gain of 1,375. The value of church property in 1880 was \$2,430,385; in 1890, \$8,801,870; an increase of \$6,371,485. The total mileage of railroads in the state in 1880 was 3,400; in 1890, 8,866; an increase of 5,466 miles, or near three hundred per cent.

The population above given is from the federal census for 1890, which groups Kansas with twelve of the most prosperous and rapidly-growing states of the west, and of the Union. Yet but four of these exceed Kansas in percentage of gain in the past ten years.

Indeed, Kansas has advanced another step in relative rank in population among the states, standing nineteenth now instead of twentieth, as in 1880. In the race of progress she has passed many of her elder sisters, including some that were in at the birth of the Union, more than a century ago; not in population alone, but in all the material elements that go to make a great and prosperous commonwealth.

The growth of our cities during the period is very remarkable. Eight may be selected of the number showing a percentage of gain in population ranging from one hundred and fifteen to seven hundred and twenty-five, or an average increase of over three hundred per cent.

The state census shows a steady annual gain from 1880 up to and including 1888. Since then, as appears from the late federal census, we have suffered a slight falling-off in the western part of the state, more especially in the newly-organized counties. During some of the past seasons in these counties the rewards of agriculture have not been commensurate with the faith and courage displayed by the brave men and women who, in the face of trying conditions ever incident to pioneer life, are creating homes and institutions in western Kansas. But these pioneers are stimulated in their struggle by the belief that like conditions and difficulties have characterized the settlement of the state in its progress from the Missouri river to the western boundary. Practical legislation designed to encourage these people in western Kansas should have early and favorable attention. In this connection your consideration is invited to the report of a convention held at Oberlin, Decatur county, in December last, to consider the subject of irrigation, and to ask state and national legislation in aid of the movement.

The matter of first importance, perhaps, is to secure congressional legislation to settle certain inter-state questions arising out of the subject of irrigation; and to this end it will be advisable to memorialize congress for such action as may be deemed necessary in the premises.

PRESENT CONDITIONS.

The general condition of the state is steadily improving, and, all things considered, compares very favorably with that of other agricultural states of the west. If there be any difference, the cause is apparent, and easily traced. The unbroken series of bountiful harvests from 1882 to 1886, inclusive, quickened every interest, and launched the state upon a period of development the most remarkable in its history. Farm lands and real estate of every kind rapidly appreciated in value, with which every interest promptly sympathized. Towns and cities doubled and trebled, and assumed costly metropolitan airs. New lines of railway were extended in every direction,

aided by lavish issues of municipal bonds. In the four years beginning with 1885 more than four thousand miles were added to our extensive system of railway, now exceeding that of any state in the Union, save one. During the same time over 300,000 people settled in the state, and twenty-four new counties were organized. Frontier lines were thus practically wiped out, and settlement suddenly extended to the western boundary.

The phenomenal growth of the state during these years, unfortunately, begot a spirit of adventure and speculation which spread contagiously. Money was abundant, and was borrowed without stint for investment by hopeful men banking on the future, as if the tide of prosperity would never ebb. But it did. The natural reaction set in, precipitated by a series of short corn crops from 1887 to 1890, broken only by the splendid crop of 1889.

There is, therefore, nothing either mysterious or discouraging in the present conditions.

Improvident borrowing and speculation during the period described, and short crops since, tell the story. The past three years have tested the mettle of men as well as the resources of the state, and the wonder is that we have come out of the ordeal so well, with faith in Kansas unshaken.

The worst is over, and the future full of hope. Agriculture, our great industry, is exhibiting unmistakable signs of improvement. While the product of 1890 was below the average, prices have been very encouraging. Farmers, especially in the older portions of the state, are in better condition than they were a year ago; and careful investigation discloses the fact that private indebtedness is being steadily reduced. Indeed, there is every reason to believe that the state is already rebounding from the marked depression of the past three years, and resuming her wonted career of prosperity and progress.

REMEDIAL MEASURES.--In the work of recovery, time and confidence are the all-important factors. Legislation may contribute much to the general purpose, but is not the panacea for all the ills of human kind. To be helpful even in our present condition, it must keep constantly in view the importance of preserving the good name and honor of the state, and that high standard of credit so long enjoyed throughout the United States and in Europe. This involves the strict observance of equal and exact justice in respect to the holders of obligations, both public and private, with just regard at the same time for that equity and good faith due to debtors as a protection against unseemly greed and unnecessary oppression.

FINANCIAL.

The reports of the auditor and treasurer, herewith submitted, for the fiscal years ending June 30th, 1889, and June 30th, 1890, show receipts and disbursements of all funds as follows:

For 1889: Receipts, inclusive of amount in treasury June 30, 1888, \$3,190,190.79; disbursements, \$2,846,445.10; balance in treasury June 30, 1889, \$343,745.69.

For 1890: Receipts, inclusive of amount in treasury June 30, 1889, \$3,309,237.56; disbursements, \$2,594,099.43; balance in treasury June 30, 1890, \$715,138.13.

The source of receipts, funds to which credited, disbursements and funds from which taken, are detailed in these reports.

The receipts for the first six months of the current fiscal year, at the close of business, December 31, 1890, inclusive of balance in treasury July 1, 1890, were as follows:

General revenue, \$850,040.73; sinking fund, \$167.60; interest, \$33,676.76; state house, \$61,201.62; permanent school, \$591,433.20; annual school, \$291,021.34; veterinary, \$18,226.10; militia, \$703.17; university interest, \$3,654.75; normal school permanent, \$14,480.91; normal school interest, \$8,015.83; agricultural college permanent, \$19,903.51;

agricultural college interest, \$12,365.19; agricultural college United States fund, \$15,000; Stormont library interest, \$300; insurance, \$12,381; library, \$1,142.50: total, \$2,014,066.68.

The disbursements for the same period were: General revenue, \$475,060.37; interest, \$26,358.26; state house, \$61,094.87; permanent school, \$571,962.10; annual school, \$265,100.72; veterinary, \$1,500; university permanent, \$1,900; university current, \$43,708.22; normal school permanent, \$13,160; normal school interest, \$6,500; agricultural college permanent, \$14,400; agricultural college interest, \$10,675; agricultural college United States fund, \$15,000: total, \$1,506,419.54.

Balances in treasury December 31, 1890: General revenue, \$374,980.36; sinking fund, \$167.60; interest, \$7,318.50; state house, \$106.75; permanent school, \$19,471.10; annual school, \$25,920.62; veterinary, \$16,726.10; militia, \$703.17; university permanent, \$7,852.99; university current, \$26,891.26; university interest, \$3,654.75; normal school permanent, \$1,320.91; normal school interest, \$1,515.83; agricultural college permanent, \$5,503.51; agricultural college interest, \$1,690.19; Stormont library interest, \$300; insurance, \$12,381; state library, \$1,142.50: total, \$505,647.14:

APPROPRIATIONS FOR THE CURRENT FISCAL YEAR--The balance of general revenue fund in the state treasury, December 31, 1890, was \$374,980.36. To this, the auditor estimates that the following amounts may be added for the fiscal year ending June 30, 1891: From taxes, \$590,882; penitentiary, \$52,415; insurance, \$35,000; library, \$3,000; other sources, \$2,000: total, \$1,058,277.36.

The undrawn appropriations for the current fiscal year amount to \$566,023.43; estimated deficiencies, \$75,000; estimated legislative expenses, \$100,000; raid coupons to be paid, \$36,000: total, \$777,023.43. Leaving an estimated balance of such fund in the treasury June 30, 1891, \$281,263.93.

This statement is based upon an estimated collection of fifty per cent. of the state taxes for 1890, to be paid into the treasury during the current fiscal year, and upon receipts from penitentiary and other sources being the same as during the corresponding six months of the preceding fiscal year. It has been carefully made for your information, in the consideration of appropriations for the balance of this fiscal year. There are no sources from which an increase of this balance may be anticipated. I, therefore, earnestly urge the exercise of rigid economy in all appropriations for the current fiscal year, so that this estimated unexpended balance may be as far as possible preserved, and the rate per cent. of taxation for the next year proportionately decreased.

As explanatory of the \$75,000 deficiency to be paid out of the general revenue of the current fiscal year, I call your attention to the fact that the legislature of 1889 omitted to appropriate for per diem and mileage of directors of penitentiary, reformatory commissioners, trustees of state charitable institutions, regents of the agricultural college, normal school, state university, and police commissioners. The law stipulates the compensation of the members of these several boards and commissions. It devolves upon the legislature to provide payment. An estimate of the amount required to meet this liability is included in the report of the auditor, except the amount due the police commissioners. There are six cities of the first class, commissioners for which were appointed April 1, 1889.

PERMANENT SCHOOL FUND--Included in the aggregate of receipts for the two fiscal years 1889 and 1890, are the following amounts received by me from the general government, transferred to the state treasurer, and placed to the credit of the permanent school fund: November 23, 1888, \$26,700.95; February 23, 1889, \$93,653.93; March 25, 1889; July 30, 1889, \$43,790.32; August 21, 1889, \$139,836.30; June 5, 1890, \$69,923.55. Since the close of the last

fiscal year, I received from the general government, and, on the 25th day of November, 1890, transferred to the state treasurer, \$160,067.51, which has been credited to this fund. This, added to the amounts named, makes a total of \$573,367.60 addition to this fund from the general government during the last two and a half years. The permanent school fund, on the 31st of December, 1890, amounted to \$5,593,639.83, of which \$5,574,168.73 is invested in bonds, leaving an uninvested balance of only \$19,471.10. The school fund commissioners, upon whom devolves the duty of investing this fund, have shown commendable care and good judgement in keeping it securely and closely invested.

VETERINARY FUND.--Referring to the report of the state auditor, I find a balance, in what is named the "veterinary fund," of \$18,226.10. In this connection, I desire to call your attention to the provisions of sec. 6798, General Statutes of 1889. Therein it is made obligatory on the governor, by and with the consent and advice of the senate, to appoint a veterinary surgeon. I made the appointment during the session of the legislature of 1889, which was promptly confirmed by the senate. The salary of the veterinary surgeon is fixed by law at \$2,500 per annum. The legislature, however, failed to make an appropriation to meet this salary, and ever since the 30th of June, 1889, the veterinarian has devoted his time and borne his own expenses, in the performance of the duties of the position, and is equitably entitled to the compensation provided by law. I recommend that an appropriation be made for this purpose, out of the "veterinary fund."

STATE DEBT.--The aggregate bonded debt of the state amounts to \$801,000, of which \$12,500 becomes due in 1894, \$36,500 in 1895, \$70,000 in 1896, \$200,000 in 1897, \$220,000 in 1898, \$159,000 in 1899, \$18,000 in 1908, and \$85,000 in 1909.

The auditor's report shows that \$536,000 if this amount is owned by the permanent school fund, and \$9,000 by the state university fund, leaving amount of bonds owned, outside of the state funds, \$256,000.

Under an act of the legislature of 1887, whereby the state assumed the payment of certain guerilla-raid claims, certificates of indebtedness, the principal of which aggregates \$352,296.91, have been issued by the auditor of state. This, less the first installment of \$35,296.39 paid, with the bonds before mentioned, constitutes the total state debt.

BOUNTY FOR THE MANUFACTURE OF SUGAR.--By the act of 1887, as amended by the act of 1889, provision was made for payment of a bounty on sugar manufactured in this state, from beets, sorghum, or other sugar-yielding canes, or plants, grown in Kansas, to the amount of two cents per pound, but no appropriation was made to carry out the provisions of the act. Under this law, claims against the state have been filed with the auditor by a number of companies, for the years 1889, and 1890, which will be presented to the proper committees of your respective bodies, for such adjustment as good faith requires.

While the purpose of the legislature was doubtless wise at the time, in view of the late act of congress revising the tariff schedules and giving a bounty of two cents a pound on all sugars manufactured in the United States, as an equivalent for the duty removed, the question is presented whether the bounty offered by this state should not be repealed.

MUNICIPAL INDEBTEDNESS.

The auditor's report exhibits the municipal indebtedness of the state in detail, county, city, township, village, board of education and school district, the grand total on the first day of July, 1890, being \$37,119,977.33. This is divided among the several municipalities, as follows:

County bonds and warrants, \$15,231,604.87; township bonds and warrants, \$8,080,130.22; city bonds and warrants, \$7,900,764.26; school-district bonds and orders, \$5,907,477.98. The amount in sinking funds July 1, 1890, was \$628,316.95, leaving a net total municipal indebtedness on that date of \$36,491,660.38.

On the first of July, 1884, the municipal indebtedness of the state amounted to \$15,951,929.86. On the first of July, 1886, it was \$17,779,299.42. On the first of July, 1888, it had increased to \$31,107,646.90. On the first of July, 1890, it had reached the sum of \$37,119,977.33, less the amount in sinking funds, as above stated.

Notwithstanding the warnings contained in every executive message for the past six years, this form of indebtedness continues to grow at a rate and with a persistency well worthy of serious legislative consideration.

It has been stated, and is doubtless approximately correct, that 80 per cent. of all our county, township, and city bonds has been issued in aid of railroad construction; and the legislature of 1887, by an act more wise than timely, perhaps, reduced the limit of such aid from \$4,000 to \$2,000 a mile. It would seem that the time had arrived when further restrictions should be laid in the same direction, and the power of these various municipalities to incur indebtedness in any manner very materially reduced and better guarded.

LOCAL TAXATION.--Municipal indebtedness suggests local taxation, a burden voluntarily contracted by the people of the various municipalities in bonds voted to aid railroads and other public improvements. The amount of taxation levied for all purposes on the assessed valuation for 1889 was \$13,432,319.95, as follows: State, \$1,535,784.80; county, \$4,145,234.20; city, \$2,054,745.60; township, \$1,457,570.71; and school, \$4,238,984.64; or an average of \$3.72 upon each \$100 of assessed value.

Thus it appears how largely our tax burdens are local and self-imposed. And it is gratifying to note how small are the demands for state purposes, compared with the tribute annually levied for the support of county, township, and city government, especially when it is remembered that the state is annually expending large sums in the erection and extension of public institutions, not alone for present use, but for future generations.

Our system of local government is entirely too complicated and expensive; and, while imposing wise and wholesome limitations upon the power of municipalities to incur indebtedness, as recommended, it will be well to inquire whether the ordinary expense of conducting their affairs may not be reduced by improved methods and the enforcement of that rigid economy which should ever characterize the administration of government, whether local or general.

EDUCATIONAL.

Your attention is urgently invited to the very elaborate report of the state superintendent of public instruction, exhibiting in detail the condition of our common schools, and discussing in an able and suggestive manner our whole educational plan. Nothing short of a careful reading of this report can give an adequate conception of the condition or extent of our grand system of popular education.

The receipts for the school year ending June 30, 1890, including balance from previous year, from district taxes, county school funds, sale of school bonds, and all other sources, were \$5,696,659.96. The disbursements for the same time for teachers' wages, incidentals, library and school apparatus, sites, building and furniture, and all other purposes, were \$4,972,966.86; leaving a balance in hand of district treasurers, June 30, 1890, of \$723,693.10.

This vast expenditure annually made in behalf of popular education, and derived very largely from direct taxation, demands the greatest possible results, and your attention is directed to the numerous suggestions of the state superintendent of public instruction for the betterment of our common-school system.

HIGHER EDUCATION.

The higher educational institutions are not quite so close to the popular heart as the common schools, but they are, after all, a part of our general plan of education, and the obligations of the state respecting them are expressly defined and well understood. Hundreds of our young men and women are availing themselves of the opportunity for higher education which they offer even to the humblest who may aspire, and their continued growth and prosperity should be the desire of every citizen.

THE UNIVERSITY--The history of the university during the past two years has been somewhat eventful, but on the whole its present condition is extremely gratifying. Early in this administration, Chancellor J.A. Lippincott, after years of honorable and efficient service, voluntarily tendered his resignation, to take effect the first of September, 1889. Pending the selection of a successor, W.C. Spangler, Esq., was made vice-chancellor, and discharged the duties of such position with marked ability and fidelity. After much anxious inquiry and casting about for a worthy successor to Dr. Lippincott, Prof. F.H. Snow reluctantly consented to accept the position, and was accordingly selected as chancellor by the unanimous voice of the board, his term commencing July 1, 1890. Professor Snow has been connected with the faculty since 1866, and conspicuously identified with the upbuilding of the institution. He has, by long years of unselfish labor and ripe scholarship, contributed much to the permanent success of the university; and by his thoughtful and valuable efforts in behalf of the practical interests of the state, he has become well and favorably known to the people. He is a Kansas man, and the board acted wisely in putting him at the head of the university of Kansas.

Assisted by the present faculty, which, in experience and ability, compares favorably with the instructors in the best colleges of the east, with a liberal policy on the part of the state, there is every reason to believe that Chancellor Snow will soon make the university of Kansas what it was designed to be.

The university belongs to the people, and the report discloses the encouraging fact that its students come from every walk in life, over forty per cent. of them being the sons and daughters of farmers and artisans. The attendance is steadily gaining in numbers year by year, with increasing facilities and growing reputation for efficient work. The last legislature made an important departure from the former method of granting specific appropriations for the support of the university, by an act which practically appropriates in bulk the proceeds of a certain levy. This, in a manner, leaves the disbursement entirely with the board, free from the usual legislative supervision; and too much care and prudence cannot be exercised in the premises. Enthusiasm for the university must not be permitted, as often happens, to result in extravagance. It should be tempered with a due regard for the condition of the tax-payers of the state, and restrained by a rigid observance of business principles.

AGRICULTURAL COLLEGE.

During the past two years this institution has continued to grow and prosper in every material respect. It has been for the past ten years, as now, in charge of President Fairchild, and the remarkable growth made during that time is both creditable to him and gratifying to the state. The attendance is constantly increasing, for the last year the enrollment reaching 515 students from sixty-two counties of this state, and sixteen other states, territories, and foreign countries. As the president states in his report, "Farmers' children hold the fort 342 strong; mechanics of various kind are represented by 24; business men by 49; editors and other professional men by 24; miscellaneous, 12." Evidently the people are getting good returns for all it costs the state in support of the agricultural college.

Its condition, financial and otherwise, together with needed appropriations, will be found fully set forth in the report in your hands, all of which it is hoped will receive prompt and liberal consideration.

THE NORMAL SCHOOL.--The excellent work being done in this school, its constantly-increasing attendance, and general prosperity, are gratifying to the state and complimentary to the president and faculty. The teachers trained here go out into our common schools to increase their efficiency. An analysis of the attendance shows more females than males, the total being 1,120 for 1889-90, against 930 for the previous year. Eighty-two counties and four hundred old soldiers' families are represented. Of 674 pupils in the normal department reporting, 454 are from the farm and most of the others are from the humbler walks of life. The needed appropriations for carrying on this institution are stated in the report, which, it is hoped, will be promptly and favorably considered.

If an appropriation is made to enlarge the site, as requested, the board of regents should be empowered, if necessary, to institute condemnation proceedings for that purpose.

THE STATE CHARITABLE INSTITUTIONS.

It is gratifying to state that the management of our eight benevolent institutions has been frugal, efficient, and judicious. Their condition, both as regards the care of the inmates and the financial affairs pertaining to their maintenance, is set forth in the very comprehensive report of the board of trustees in charge, covering the past two years. A careful study of this report, together with such visitation as it is your duty to exercise during the session, is absolutely essential to an accurate understanding of the present conditions and future needs of these great charities.

The constitution recognizes the obligations of society in requiring the maintenance of institutions for the care and comfort of the defective and dependent classes, and the people have never complained of the burden imposed. Believing, however, that charity is not stinted by prudence, they demand that these institutions shall be economically and carefully administered. The reasonableness of this is apparent, when it is remembered that they require for their support, even with the most judicious management, so large a per cent. of all the money raised by taxation and appropriated for carrying on the state government.

It is noteworthy and characteristic of the wise financial policy of the board of trustees, that of the \$731,686.11 appropriated two years ago for the support of these charities, an unexpended balance of \$50,749.88 has been returned to the state treasury. The average number of inmates cared for during the preceding two years was 1,605, at a cost per capita of \$198.48; a marked increase in one direction, and a gratifying decrease in the other.

Including officers and employes,[sic] there are nearly 2,500 inhabitants in our eight eleemosynary institutions. Though each is under the immediate charge of a superintendent

selected with special reference to the duties to be performed, the general supervision involves serious responsibility, requiring much time and labor on the part of the board of trustees.

THE INSANE ASYLUMS.--The order, discipline, and general condition of these asylums is reported as excellent. The average number cared for during the biennial period at Topeka was 723, and at Osawatomie 504--a total of 1,227; somewhat in excess of the maximum capacity, stated to be 1,200. During the two years, as stated by Superintendent Eastman, 195 applications for admission have been either rejected for want of room, accepted upon removal of other patients, or suspended. Hundreds of insane are being kept in the county jails and poor-houses for lack of room in the asylums. Though the demands were then urgent, the last legislature made no provision for additional buildings for the insane. The needs in this direction have grown with time, and there should be no further delay in the discharge of our manifest duty to these unfortunate people.

The board recommends additional cottages at Osawatomie, and an executive building at Topeka. The additional cottages at Osawatomie would give more immediate relief, at less cost, than the executive building suggested for the officers at Topeka; but, in any event, I heartily indorse the recommendations of the board that a third asylum for the insane be provided for, to be located farther west, where water, drainage and all the conditions necessary may be found.

DEAF AND DUMB INSTITUTE.--This school is prosperous, under the superintendence of Mr. Walker, whose very interesting report must be read to properly understand the important work being done. The average number of pupils during the two years reported was 213, representing seventy counties of the state. The central building, for which the legislature of 1887 appropriated \$51,000, has been completed, and \$500 appropriated by the last legislature has been judiciously invested in a well-selected library. While the school seems to be full, the board makes no demand for extension of buildings at present. The management of Professor Walker and his subordinates receives, and evidently merits, the unqualified commendation of the board.

THE REFORM SCHOOL.--This is one of the most interesting of our benevolent institutions. The average number of boys present during the two years was 189. Under the efficient direction of Dr. Buck the school continues to thrive and perform the wise mission for which it was created. The \$1,500 appropriated two years ago for a hospital building has been judiciously expended for that purpose. More cottages are asked for, and shops for the purpose of inaugurating a system of industrial training. This is doubtless desirable, and will come in time. But we should first take care of our insane, whose claims upon our charity are stronger than those of wayward boys.

IDIOTIC AND IMBECILE INSTITUTION.--Two years ago Dr. C.K. Wiles succeeded H.M. Greene, resigned, as superintendent of this institution. The choice seems to have been a wise one, and the work caring for these peculiarly helpless people is being kindly and intelligently performed. The asylum is crowded to its utmost capacity, there being 103 inmates, and applications for 63 more on file. Attention is called to the fact that the institution was designed for the care and development, so far as possible, of juvenile imbeciles. The law did not contemplate an asylum for adult idiots, for apparent reasons. But there are some of the present inmates who have been there since the foundation of the asylum, and are about reaching the age of majority, with no authority vested in the board under the law to discharge them. Some provision should be made at once for disposing of such cases, unless it shall be the declared policy of the state to thus care for all of its idiotic and imbecile people, regardless of age. In that event, the room must be considerably extended.

INDUSTRIAL SCHOOL FOR GIRLS.--The last legislature provided for the organization of an industrial school for girls in need of corrective influences and training, to be located at Beloit,

and for the erection of a building on a site to be selected by the board, of not less than forty acres, to be donated by the city.

The board promptly organized a state school at Beloit, which supplanted and practically absorbed the little school of the kind that had been maintained there by the benevolent efforts of the Women's Christian Temperance Union. To the unselfish work of these women, therefore, is due, in large measure, the beneficent legislation for the creation of this institution.

In June, 1889, the board after careful consideration, selected a site of eighty acres, a half-mile north of the city, and having secured title to all but ten acres, provided for the erection of a building. The city, unable to perfect the title to ten of the eighty acres, has turned into the state treasury the amount of money it was to pay therefor. Good faith characterized the whole transaction, and the site has been wisely selected.

A handsome and commodious building, costing \$16,989, has been completed, and is now occupied by the school. It is of native stone, sixty by one hundred feet in size, two stories, with basement, and attic dormitory, designed to accommodate one hundred children. A boiler-house, steam-heating apparatus, and cisterns for present water-supply, have been added.

There were, at the date of the last report, thirty-five children in school, and applications for sixty more on file. The school is now in charge of Miss Martha P. Spencer, superintendent, a lady of experience and ability as well as enthusiasm for the work. Being in its infancy as an institution, it will require special attention at your hands; and the recommendation of the board in relation thereto will, it is hoped, have prompt and careful consideration.

SCHOOL FOR THE BLIND.--This school, for the past two years, has been in charge of Col. Allen Buckner, with John L. Waller as master of handicraft. The latter position has been abolished by order of the board, to take effect January 1st, instant. The school has been well conducted, including the industrial department, the average number of pupils in attendance during the period being seventy-five.

The north wing, for the construction of which the legislature of 1887 appropriated \$18,000, has been satisfactorily completed, and in use for some time.

The very interesting report of Colonel Buckner is worthy of special consideration.

SOLDIERS' ORPHANS' HOME.--This institution has been, since August 1, 1888, under the superintendence of Charles E. Faulkner, whose long experience in connection with state charities eminently fits him for the work. A careful examination of his report discloses the excellent condition of the home, so far as management is concerned. The average number of children cared for during the biennial period was 111, which is in excess of its capacity. The home in fact is overcrowded, with many applications on file. In consequence of this condition, as provided by the law creating the institution, preference is given to the children of soldiers and sailors of the Union army and navy.

The board recommends the erection of three cottages large enough to accommodate thirty or forty each, and other needed improvement, in all of which I most heartily concur, and trust the subject will receive, as it deserves, your early and earnest attention.

THE STATE SOLDIERS' HOME.

By an act of congress, approved March 3, 1889, that portion of the old Fort Dodge military reservation upon which the buildings were situated, including about one hundred and twenty-seven acres of land, was granted to the state of Kansas for the purpose of a soldiers' home, to be located thereon, and maintained by the state. In anticipation of such grant the last legislature

provided for the creation of such home, and appropriated \$10,000 for the first two years. In pursuance of the act of the legislature, a board of managers was appointed, and the home has been accordingly located on the site granted, five miles east of Dodge City, on the Arkansas river.

A full statement of the origin, location and organization of the home, likewise its present condition and future wants, will be found in the report of the board, now in your hands.

The home is projected on the cottage plan, and admits not the old soldier alone, but beneficently includes his good wife and such other members of his family as may be dependent upon him for support. Attention is called to the act of congress, above referred to, which requires that a home shall be supported "for the care and maintenance of officers, soldiers and marines who have served in the army, navy or marine corps of the United States, their dependent parents, widows, or orphans." These terms make no reference to when the service was rendered, whether it was during the war of the rebellion, before, or since. They would seem to impose an obligation upon the state other than that contemplated by the act of the legislature, and wholly out of keeping with the value of the land granted, the price of which was one dollar and a quarter an acre. A modification of the terms of the grant in this particular could probably be secured with much trouble.

The inmates of the home on the first of November last numbered one hundred and twenty-three, including old soldiers, widows, wives and children. A school is maintained for the children, and in all respects the inmates are well cared for. A good portion of the land belonging to the home is ready for cultivation, which will be a source of some profit, and furnish light employment for most of the old soldiers.

The board has evidently employed the limited means at its disposal judiciously, and faithfully tried to carry out the design of the legislature. And I trust it is unnecessary to commend a liberal policy on the part of the state toward this most worthy institution.

THE ELLSWORTH REUNION GROUNDS.

The legislature of 1889 appropriated \$36,000 to be used by the trustees of the Grand Army of the Republic in the improvement of the reunion grounds near the city of Ellsworth, and the money has been accordingly expended. The plan adopted by the trustees, in conjunction with the state board of charities, was to erect buildings for the use of annual reunions and such other public gatherings as it might be desirable to hold in the interest of the soldiers and sailors of the war for the Union. Accordingly an auditorium has been erected, with a seating capacity of four thousand; a dining-hall with culinary department attached, and accommodations for three hundred, has been constructed; also a headquarters building, with separate apartments for the grand army, woman's relief corps, sons of veterans, and loyal legion. In addition to these, fifteen brick cottages, of three rooms and cellar each, have been completed, and some of them occupied by indigent soldiers and their families.

Enough of the money appropriated remains unexpended to pay for the construction of a system of water-works, which it was expected would be secured for use during the present winter.

THE STATE PENITENTIARY.

The financial affairs and general condition of the penitentiary are faithfully set forth in the accompanying reports of the board of directors, warden and other officers, and the showing is

eminently satisfactory. The biennial period covered by the report embraces the last ten months of Capt. John H. Smith's wardenship, and fourteen months of the term of Col. George H. Case, the present warden, who, with the valuable aid of Deputy Warden John Higgins and other faithful subordinates, has fully maintained the deservedly high standing of the institution as a model prison.

During the first year of the biennial period there was received in cash and paid into the state treasury from contract labor, boarding United States prisoners, sales of coal, and from other sources, the sum of \$103,867.49. During the second year of the period, the amount received in cash and paid into the state treasury, from the same sources, was \$105,258.10.

The expenses of the institution for the first of these years exceed the cash receipts as above given by \$60,976.42, and the expenses of the last year exceed the cash receipts by \$48,329.36.

This showing, however, is much improved, as the warden well says, if we take into account the cash and labor expended in permanent improvements, and the coal furnished state institutions, for which no cash is received. These items for the first of the years considered amounted to \$44,284.93, and for the last year they aggregate \$51,681.24. These amounts applied would reduce the excess of expenditures over cash receipts for 1889 to \$16,691.49, and entirely wipe out the deficit for 1890, leaving a surplus in the sum of \$3,351.88. If the coal produced and consumed at the penitentiary be included among the earnings, as it sometimes is, the foregoing statement would appear still better. It is a matter of congratulation, indeed, that the maintenance of this vast penal institution is such a light burden, if any, to the tax-payers of the state.

The output for the coal mine for the fiscal year ending June 30, 1889, was 1,733,911 bushels, the sales for the year amounting to \$66,585.13. For the fiscal year ending June 30, 1890, the output of coal was 1,672,320 bushels, the sales amounting to \$68,013.30.

Valuable permanent improvements have been made during the period, mostly in the way of buildings, as detailed in the warden's report. Appropriations are asked to furnish more light in the yard and coal shaft, and enable the prisoners to read in their cells; also, to better the method of underground haulage in the coal mine, and for other purposes, all of which seem reasonable, and ought to be made.

The total number of prisoners from the various counties of the state in custody June 30, 1888, was 887. The number received during the ensuing two years was 675; number discharged during the two years was 702. The number in custody June 30, 1890, was 860. On the 1st of January, 1887, there were 895 state prisoners confined in the penitentiary; on the 1st of January, 1888, there were 898; on the 30th of June of that year, there were 887; on January 1, 1889, there were 861; and June 30, 1890, the number, as before stated, was 860. The figures indicate a slight falling-off tendency in our state-prison population since 1887. The board of directors report the health of the inmates, and everything pertaining to the institution, as in excellent condition.

INDUSTRIAL REFORMATORY.

The state industrial reformatory, created by the legislature of 1885, and located at Hutchinson, is still incomplete. Its present condition, and the progress made during the past two years, are faithfully described in the report of the board of commissioners herewith transmitted.

The board has endeavored to follow the evident intent of the last legislature in the use of the \$100,000 appropriated to complete that part of the building already under way, and prepare it for occupancy as early as practicable. Proceeding upon this idea, the board has made commendable progress, and judiciously expended the means at its disposal.

It is estimated that \$140,000 more will be required to complete for occupancy all the buildings now begun, with two hundred cells. The probable cost and propriety of preparing one hundred and forty cells for use at an earlier period is also considered in the report.

The question of changing the character of the institution by converting it into an asylum for the insane is presented in the report of the board. The objections to such change are suggested, and dispassionately discussed. There can be no doubt of the wisdom of the original design of the legislature in the creation of an institution of this kind, wherein the short-term convicts of the milder type may be separated from the hardened criminals, and so far as possible reclaimed by proper influences and useful instruction.

Over against this is put the practical fact that our prison population has not increased during the past three years, and is yet within the capacity of the penitentiary; and the further fact that there is a pressing need for more room to accommodate our insane population. Equally practical and important, however, is the question whether the six hundred and forty acres of land, donated to the state as site for an industrial reformatory, would or not, by the terms of the grant, revert to the donors by such proposed change in the character of the institution. The land has become very valuable, and should not, under any circumstances, be lost to the state. The terms and conditions of the grant seem to be differently stated and understood by the board and the senate revision committee. A careful consideration of this matter is, therefore, important. It is also urged by the board that the style of architecture employed in a reform prison cannot well be adapted to the purposes of an asylum, and that the environment generally is not favorable. The board further suggests that, when the reformatory is once completed and ready for occupancy, the labor may be employed in producing salt, as coal is now mined at the penitentiary, and expresses the opinion that the institution, as a reformatory, can thus be made self-supporting, without injury to private capital invested in the salt industry.

The subject of the proposed change is not free from difficulty, and is left with you for such action as the best interests of the state seem to require.

RAILROADS AND RAILROAD LEGISLATION.

The subject of state regulation of railroads is one of surpassing importance and never-ending public solicitude. In respect to methods of control, the commissioner system has been demonstrated to be the most satisfactory, and has received the sanction of nearly all the states of the Union. This system, administered by boards of commissioners, had come to be regarded as a necessary part of government. Such a board has existed in this state since 1883. My predecessors have spoken of the work of this board in terms of unqualified commendation, and it is believed that a careful review of their labors cannot be otherwise than satisfactory.

During the eight years of the existence of this board there have been built in this state 5,000 miles of railroad, and the duties of the commission have been correspondingly increased. In the exercise of its power the board has repeatedly required reductions to be made in the rates of transportation charges, and an examination of the figures for the period covered by its existence cannot be otherwise than interesting and profitable. A comparison of the tonnage of 1883 with that of 1889 emphasizes the above statement. In the former year the tonnage of all the roads operating in Kansas, according to the reports on file in the railroad commissioners' office, was 12,881,322.74. For the year 1889, the tonnage on the roads in this state was 24,454,367, or nearly double the tonnage of the former year.

The earnings from the tonnage of 1883, according to the same authority, were \$45,135,331; for

1889, they were \$56,970,095, or only about twenty-five per cent. greater than the receipts of the former year.

While it is doubtless true that the tendency of transportation charges has been steadily downward, and that reductions in rates are a result of competition and a constantly-increasing strife for business, as well as a response to the popular demand for cheaper service, yet it is also true that the existence of the commission has contributed in a large degree to this result.

The board has, by repeated orders, caused the abatement of discriminations which had been long maintained upon the freight tariffs, and which, so long as they existed, prevented the establishment, upon a secure basis, of commercial and manufacturing enterprises in any interior towns in the state. These discriminating tariffs were a menace to capital; their abatement is an invitation to its investment among us, and the creation of more diversified industries.

SUGGESTED LEGISLATION.

With a view to promoting the efficiency of the board, I invite your attention to the expediency of conferring upon it, by appropriate legislation, the power to require joint freight tariffs to be made over two or more railroads which connect with each other, so that continuous shipments may be made over such connecting roads from one point in Kansas to another in the same state, such joint tariffs to prescribe rates not to exceed, beyond reasonable transfer charges, a single and continuous rate for the same distance. By this means the business of this state, whether it be wholesaling or manufacturing, existing in any interior town in the state, may be placed upon as favorable a footing so far as transportation charges are concerned, as like kinds of business originating in other states and reaching the same points of destination in this, by a single rate. I am further of the opinion that, in addition to the penalties now provided by law for neglect to comply with orders made by the board, provision should be made for the specific enforcement of its orders, and the legal effect of such orders should be defined. For example: The findings and decisions of the board respecting the reasonableness of any existing rates, which are the subject of complaint, are made prima facie evidence of the reasonableness of the rates they prescribe in any proceeding brought to enforce them. But the law also authorizes the board to make findings and decisions in numerous other matters pertaining to the operation and management of railroads, such as the enlargement or increase of terminal and depot facilities, the increase or betterment of train service, repairs of track and the supply of joint or connecting tracks, etc. There is no law defining what shall be the legal status of such orders. It is recommended that a speedy remedy for the enforcement of these orders should be provided by statute in any case of refusal or neglect to comply with them by any railroad company, and that in proceedings brought for that purpose the findings and decisions of the board should be made prima facie evidence of the duty and obligation of the company in respect to the matter decided.

In addition to these recommendations for further legislation in respect to the powers of the board, I deem it expedient to call attention to another provision, which, if enacted, would increase its useful functions. In the transportation of goods and merchandise over railroads, claims frequently arise against carriers for damages occasioned by loss or injury to the goods en route. Where the goods are carried over two or more roads, each road being independently responsible only for such damages as may have occurred upon its own line, it is frequently difficult for the shipper to locate the liability. Moreover, the amount and value of the greater part of this class of claims is not sufficient to justify expensive litigation for their recovery. It would be a source of aid and relief to shippers if the board of railroad commissioners were authorized to entertain complaints

of this character, to investigate the same and make written findings thereon, and to advise the parties of the nature of the same, and to notify the railroad company found to be in fault, of the reparation which they consider it just to make to the shipper. Further, that unless such claims shall be settled in accordance with such findings, the same shall be held, in legal proceedings brought to recover such claims, prima facie evidence of the liability of the company found to be in fault.

It will be understood that it would not be competent to invest final jurisdiction in the board as to these and many other matters involving property rights, in which each party is entitled to due process of law, unless its character were changed so as to constitute it a court subject to the technical rules of law which govern those tribunals.

Its effectiveness largely consists in the fact that it may pursue investigations without formality in any part of the state, either upon its own motion or upon complaint; this it could not do if it were a court.

Believing that these several recommendations, if carried out by appropriate legislation, would materially increase the usefulness of the board and promote the interests of the people, they are submitted for your consideration.

APPORTIONMENT.

The constitution requires an apportionment of the state for the purpose of representation in the legislature once in five years, based upon the census of the preceding year. The last apportionment having been made at the special session of 1886, it becomes your duty to reapportion the state at the present session.

Eighty-eight counties only are now represented. Eighteen counties, organized since the last apportionment in 1886, have ever since that time been excluded from a voice in the law-making branch of the state government. Membership in the lower house is limited by the constitution to one hundred and twenty-five, the present number. The admission of the eighteen counties to representation, which of course must be granted, will give us one hundred and six organized counties, each entitled to at least one representative, provided it cast two hundred and fifty legal votes at the next preceding election. This will leave but nineteen members to be distributed on the basis of population. Relief from this very serious difficulty can come only through an amendment to the legislative article of the constitution. The apportionment article should also be amended so that the time for re-apportionment will always fall during a regular session of the legislature.

PROHIBITION.

During the past year the cause of prohibition has been assaulted from a new direction. The so-called "original package" decision of the supreme court of the United States, promulgated in April, 1890, was a severe and unexpected blow at our prohibitory legislation, denying, as it did, the power of the state to prevent the importation of intoxicating liquors from a sister state and the sale thereof in unbroken original packages.

The sudden invasion of the state by liquor dealers from abroad, and the setting up of "original package" houses; the profound feeling produced among our people, and the litigation that ensued--all this, together with the final relief which came from congressional action, is very fully recited in the report of Attorney General Kellogg, who merits special commendation for the

fidelity and ability with which he performed the duties and extra labors imposed upon him in his emergency.

On the 8th of August, 1890, the Wilson bill passed congress and became a law. In brief, it subjects intoxicating liquors transported into a state for sale to the operation of the laws of such state, whether in original package or otherwise. This act was hailed and regarded at first as a fortunate and final settlement of the vexed question. But the Wilson law was soon to be challenged. One Rahrer, agent of a Missouri liquor house, having been arrested after the passage of the act of congress in question, and charged with selling liquor in original packages in Topeka in violation of the constitution and laws of Kansas, made application to the United States court for a writ of habeas corpus. On the hearing before Hon. C.G. Foster, judge of the United States district court for the district of Kansas, Attorney General Kellogg and R.B. Welch, Esq., county attorney for Shawnee county, appeared for the state. And after very full argument the prisoner was discharged, the court holding that our prohibitory law must be reenacted to make it cover sales in original packages. An appeal from this decision on behalf of the state has been perfected, and the case is now pending in the supreme court of the United States.

Since the decision in the Rahrer case was rendered the same question has been presented, in a habeas corpus proceeding originating in Iowa under the prohibitory law of that state, before Hon. Henry C. Caldwell, presiding judge of the United States circuit court. The decision was exactly the reverse of that in the Rahrer case, Judge Caldwell holding the Wilson law constitutional, and that no reenactment of the prohibitory law is necessary. This latter decision settles the law of the case, so far as it has been determined, and until the supreme court of the United States shall have passed upon the question in the case now pending.

The attorney general has succeeded in having the case advanced on the docket, and it is hoped that a determination of it may be had during your present session, so that legislative action can be taken at once, if rendered necessary by the anticipated decision.

The "original package" business, at best odious and repugnant to our constitution and laws, rapidly degenerated into a revolting exhibition of the dehumanizing character of the liquor traffic in whatever form; and the radical temperance sentiment of the state was undoubtedly materially strengthened and solidified by the whisky invasion and the violent and prolonged agitation of the people which followed.

The statements of the county attorneys of the state, as published in the report of the attorney general, show that temperance legislation is being generally enforced; and it may be added that despite the desperate assault upon prohibition during the past year, it still stands firmly entrenched as the policy of the state, and sustained by the judgement of a large majority of the people.

REVISION OF THE LAWS.

The report of the senate committee on revision, created two years ago by resolution of that body, is in your hands. Bills covering the several subjects considered are likewise submitted. The report having been very wisely given to the public some time ago through the press, no extended reference thereto seems necessary here. It is, however, due to say that the committee has labored industriously in the discharge of the task imposed upon it, and the results of its deliberations as reported are entitled to your most earnest consideration. The measures submitted are all designed to promote economy and efficiency in the transaction of the business of the state, particularly in the management of its various institutions--educational, charitable, and penal. The

comprehensive character of the report is indicated by the mere recital of the subjects embraced in the several measures.

They contemplate a radical reduction in the amount and cost of public printing; also, changes which will work a material saving to the state in the management of the penitentiary on the suggestion of those in charge of that institution; the conversion of the state reformatory at Hutchinson into an asylum for the insane; the election of railroad commissioners by the people; the creation of a department of agriculture in place of the present board, with a secretary to be elected by the people, and perform, in addition to his other functions, those of the present commissioners of forestry and silk culture, which offices are abolished; a revision of the law governing the fees and salaries of county officers and a reduction of the same, especially in the more populous counties; a reapportionment of the state for judicial purposes, reducing the number of districts; the regulation of banks and banking, and the creation of a bank commissioner; a revision of the laws relating to the assessment and collection of taxes; transferring the soldiers' home to the control of the state board of charities, and abolishing the present board in charge of the home; a revision of the laws relating to the charitable and educational institutions of the state, fixing the pay of the trustees of the former at a small salary and actual expenses; instead of the present unfair plan of per diem and mileage, and reducing the number of regents of the normal school and agricultural college from seven to five each, limiting their pay to actual expenses; a reform in the matter of text-books for common schools; an important change in the state library and historical society; the creation of a board of public works to superintend the erection of all buildings of the state; the compilation of all the acts relating to state officers, with some amendments touching the fees and compensation of the auditor and secretary of state; including the abolition of a number of boards and officers.

GENERAL RECOMMENDATIONS.

The following additional recommendations are submitted, in many cases suggested by the reports of the secretary of state, attorney general and auditor, when the reasons are more fully stated:

ALIEN LAND-HOLDING.--In 1888 the constitution was amended with a view to permitting legislation restricting or forbidding the right of aliens to accumulate and hold large landed estates in Kansas. Such change in the organic law of the state was an expression on the part of the people in favor of such restriction, and it should be supplemented by the necessary legislation.

TEXAS CATTLE LAW.--The law regulating the introduction of cattle into this state, which are liable to impart the Texas, splenic or Spanish fever, should be amended. During the past year in southern Kansas very serious loss of property and trouble resulted from cattle brought into the state under the law as it now stands. Experience clearly suggests that, for the due protection of our citizens along the southern border of the state, the time for the introduction of that class of cattle should be further restricted.

AGE-OF-CONSENT LAW.--The legislature of 1887 changed the law on this subject by raising the age of consent to eighteen years. The purpose of the law, in the protection of young women of tender years, is of the very highest importance to society, and must be adhered to. The crime to which it relates is still punishable by death under the United States statutes, and in some states. But our statute, as amended in 1887, ignores the fact that there are lewd and abandoned women under eighteen years of age, who, having prostituted everything else, prostitute the law for purposes of blackmail; and instances of very great hardship have been the result.

This should be remedied, as it can be, without in the least lowering the standard of protection to those for whom such legislation is intended. The amendment suggested by the attorney general would cover the case, by permitting in a prosecution for rape under this statute the character of the woman to be shown in defense. Such amendment is earnestly recommended.

LOTTERIES.--The attorney general calls attention to the significant fact that, while section 3 of article 15 of the constitution forever prohibits lotteries and the sale of lottery tickets, there is no sufficient statute to enforce such wise provision. There seems to have been a lame attempt in this direction by a section in an act passed in 1874, entitled "An act to prevent the publication of obscene advertisements and books," which clearly does not cover the section in regard to lotteries.

A law which shall rigidly enforce the constitutional inhibition referred to is therefore recommended.

REFUNDING-LAW ABUSES.--The attorney general calls attention to the urgent necessity of revising the present refunding law, chapter 50 of the Laws of 1879, found in the General Statutes of 1889, sections 464 and 474 inclusive. This act, which was evidently intended to apply only to obligations in existence at the date of the enactment, has been practically regarded as a general refunding act, applicable to every kind of municipal indebtedness, regardless of when it was created.

The result is that in many instances it has been employed wrongfully to foist and fasten obligations upon the people without their voice or sanction. Under its loose provisions warrants or orders of the various municipalities have been in some cases issued for illegitimate uses, for the very purpose of being refunded and thus put beyond the power to be successfully challenged or contested.

The law should be revised and amended at once. Safeguards should be thrown around the refunding of indebtedness, so as to cut off the possibility of such frauds and abuses; and in all cases the indorsement of the people should be required. Attention to this subject is urgently invited.

SUGAR-BOND FRAUDS.--The legislature of 1889, intending to encourage the manufacture of sugar from sorghum, passed an act authorizing townships, and cities of the second and third class, to vote bonds and subscribe for stock in aid of sugar factories. The constitutionality of the act was very questionable, but not more so than the scheme that was promptly set on foot to procure large issues of bonds from numerous townships in the southwestern part of the state as a bonus to a corporation organized for the purpose, which was in return to set up mills in these various townships for the manufacture of sugar by a new process. After a number of townships had voted the bonds, parties who were in good faith interested in the enterprise, becoming suspicious both of the so-called new process and of the designs of the corporation, promptly withdrew, and warned the people against further imposition. The mills were not built, though the corporation got some of the bonds. Steps were then taken to recover these, and to prevent the delivery of others yet in escrow, in which the local authorities were aided by the attorney general, and in most cases success resulted.

In the present state of the sugar industry in Kansas, there is little excuse for this law, which so far, has resulted in little else than annoying and expensive litigation to the people it was designed to benefit, as fully detailed in the report of the attorney general. By its prompt repeal you would, in my opinion, be doing the state some service.

DISCHARGE OF JAIL PRISONERS.--By chapter 199, Laws of 1889, the legislature undertook to amend the law empowering county commissioners to discharge prisoners from jail held for

non-payment of fine and costs assessed against them, so as to divest the commissioners of such authority as to parties thus confined and held for the violation of the prohibitory laws of the state. Such act, however, is lame, reciting as it does a chapter in the Laws of 1871, relating to a public park, as the one to be amended, the design being, of course, to amend a wholly different chapter. There is, therefore, grave doubt as to whether anything was amended by the enactment of 1889, though it has been quite generally respected, taking the evident intent for the law.

Whatever remains of the prohibited traffic has drifted largely into the hands of impecunious and irresponsible men. When such parties are convicted, they lie in jail until that portion of the sentence has expired, and frequently months in excess, being absolutely unable to pay the fines imposed. There is no way of ridding the jails of this class of inmates, except through an appeal to the governor of commutation of the fine. The result has been, therefore, to flood this office with applications for such relief, coming from the various counties throughout the state, indorsed frequently by county officers and leading citizens, and reinforced by piteous appeals in behalf of innocent and destitute wives and children.

Most of the applications are denied; some are granted, where careful inquiry into the facts seem to justify. With the exercise of the utmost caution in disposing of these cases, some misapprehension respecting the matter has resulted on the part of certain good people who have failed to appreciate the result of the change in the law herein recited.

The enactment of two years ago ought to be reenacted to cure it of the defects pointed out, or the authority to discharge such prisoners should be reinvested in the county commissioners under such restrictions as are suggested by the attorney general in his report.

CORPORATIONS.--The secretary of state, in his very valuable report, calls attention to the urgent need of amending the law relative to the creation and regulation of corporations. As it now stands, corporations may be formed to determine and exclude on the ground of character. The creation of corporations for purposes in violation of public policy ought to be guarded against. In Kansas it costs only the mere nominal fee charged for filing the charter to create a corporation conferring important powers and valuable franchises. For this privilege many states require all corporations organized for profit, in the prosecution of business enterprises, before chartered, to pay a bonus or fee to the state, based upon the capital stock. Pennsylvania, as shown by the report of her auditor, derived the sum of \$164,561.30 last year from this source. Such a law in this state would yield some revenue, cut off many of the abuses complained of, and exclude parties who take advantage of our present law to incorporate here without expense to do business in other states.

The secretary of state proposes a more economical and satisfactory method in the enrollment of the laws, together with some wise and timely suggestions in regard to the preservation of certain public records, the cost of state printing, danger to public property from unsafe boilers, and other matters requiring legislative consideration.

ELECTION LAWS.--It is safe to say that in no State are elections more fairly and honestly conducted than in Kansas. Yet in the more populous cities, where the floating and indifferent voters are numerous, evil practices are growing up which ought to be suppressed. The use of money, directly or indirectly, to corrupt the ballot, is dangerous and demoralizing in all its tendencies, and should be prevented, if possible, including other venal and improper methods employed to defeat the free and untrammelled expression of the popular will. The Australian ballot system is much favored by public sentiment. We may not be ready for it yet, but the careful protection of the exercise of the elective franchise is the highest duty of the legislature, and any practical measures looking to that end will have my hearty concurrence.

GAMBLING LAWS.--There is need for more rigid laws against gambling in this state, by imposing severer penalties. Some offenses of this character, which are simply misdemeanors in Kansas, are declared to be felonies in other states, and punishable accordingly. Gambling and every manner of swindling device should be severely dealt with.

BRIBERY.--The recommendation of the attorney general on this subject is eminently wise. The law as it stands now makes it an offense to offer or give a bribe. But the legislature in 1869 repealed the provision of law making it an offense for public officers to take bribes. The law as it was before such repeal should be restored, and the reproach of the law as it now stands thereby removed.

INTEREST LAWS.--In long-time loans, for three or five years, secured by mortgage on real estate, it is the practice in some cases to insert a provision that, upon failure to pay any part of the interest as it matures, the mortgagee may declare the principal obligation to be due at once, with interest at a rate in excess of that originally stipulated, relating back to the date of the mortgage. Where such default in payment of interest occurs, after the debt has been running and the party paying interest for several years, as it often happens, by accident or temporary misfortune, such a forfeiture works great hardship to the borrower, and it is doubtful if in the end it benefits the lender. It is harsh and unnecessarily oppressive, and ought to be forbidden by statute.

BANKS.--In my former message the importance of a general law regulating banks and banking in Kansas was presented. The bill reported on this subject by the revision committee should have prompt and earnest consideration.

DEATH PENALTY.--The anomalous state of the law with reference to the death penalty is well known and understood. I call attention to it now only for the purpose of renewing my former recommendation, that it should either be abolished in express terms, or the enforcement of it imposed where it belongs.

POLICE COMMISSIONERS.--The change made by the legislature of 1889 in the law relating to the police government of cities of the first class seemed to contemplate a uniform application of the metropolitan police system, and accordingly a board of commissioners was appointed for each city of that class in the state. Reports from all these boards are on file in the executive office, though not required by law, and hence not printed. They concur, however, in the statement that the police affairs of these cities are conducted more economically and efficiently under the commissioners thus appointed than they were under the old plan. Where harmony has prevailed between the commissioners and the city authorities the superiority of the metropolitan police system over the former one has been especially manifest; and on the whole the action of the legislature in the matter has been vindicated by experience.

The law should empower the commissioners to appoint an attorney to prosecute cases for them, to be paid out of the fund arising from fines in the police court, instead of being compelled to rely upon the city attorney, who is liable to be not in sympathy with the efforts of the board, or unable to prosecute by reason of his other official duties. Other amendments to the law are suggested, which will be brought to the attention of the proper committees in due time.

PRICE-RAID CLAIMS.

In 1872 congress appropriated \$336,817.37 to pay claims against the United States growing out of the Price raid of 1864, such claims having been allowed by what was known as the Hardie commission. The state treasurer, in making payments, did not confine himself to the list of claims so allowed, but left of such claims unpaid \$19,352.44. The state received the money so

appropriated in trust for the claimants, and good faith demands that provision shall be made for the payment of such parties as were thus wronged by the action of the state treasurer.

A careful examination has been made of all claims not heretofore acted on by the general government, and vouchers therefor have been forwarded to the state agent at Washington for settlement. They amount to \$63,897.63, all of which seem to be just, and there is good reason to expect their payment. The pay-rolls of twenty-three companies of militia are found not to be included in the rolls audited by the Hardie commission. Certified copies of these rolls have been forwarded, and these claims for personal services will doubtless be paid. No "damage" claims have been forwarded, as it is well settled that the government has never paid any claims of this class, confining itself to payment of claims for services, transportation, supplies, and property lost in action.

For fuller information in regard to Price-raid claims, you are referred to the very comprehensive report made to the last legislature by Gen. J.C. Caldwell, commissioner, appointed for that purpose, who, since the conclusion of his labors as commissioner, has, without compensation, devoted much time to the preparation of vouchers to secure the settlement of all such meritorious claims as remain unpaid.

OTHER CLAIMS AGAINST THE GENERAL GOVERNMENT.

The report of the state agent embraces a concise statement of adjusted and unadjusted claims of the state against the general government on account of indemnity school lands, five per centum of the net proceeds of all public lands, money expended and indebtedness assumed on account of volunteer and militia services, agricultural college lands, swamp lands, and railroad land grants. A statement of all lands certified and moneys paid to the state by the general government through the efforts of the agent, and commissions paid by the state to him, is therein made. Total number of acres of land thus secured, 276,376.53; money, \$1,293,281.02, for which he has received his commission in full, under the contract of 1877, except on the sum of \$160,067.51 money received, and 320 acres of land certified during the current fiscal year, for which he asks an appropriation by the legislature. A direct-tax claim of \$60,981.83, and a five-per-cent. claim of \$3,442.34, have been adjusted and are awaiting an appropriation by congress. This direct-tax claim once passed both houses, but failed through the interposition of a veto by President Cleveland. The claim is a just and equitable one, and will in all probability be favorably acted upon at this session of congress. The unadjusted claims include those on account of Quantrill raid, Price raid, interest paid by the state on account of war expenditures, and Indian depredations, amounting in the aggregate to over a half-million dollars, most of which, I believe, will eventually be paid by the general government.

At my instance, a bill was prepared by the agent providing for reimbursing the state on account of the Quantrill-raid claims. This bill had been reported upon favorably, the committee on war claims recommending an appropriation of \$362,012.46; but the accumulation of unfinished business is so great that there are grave doubts whether it will be reached during the present session of congress.

Hon. S.J. Crawford, who has been intrusted with the work of prosecuting claims since 1877, desires to be relieved at once, but I shall defer action on his resignation until the legislature makes provision for the further prosecution of unadjusted claims, through an agent or attorney. With over half a million dollars involved, the necessity for legislative action is manifest.

THE INSURANCE DEPARTMENT.

An examination of the reports of the superintendent of insurance is necessary to an intelligent appreciation of the important labors of the department as well as the legislation recommended. The work of ridding the state of fraudulent insurance companies has been vigorously prosecuted, and the superintendent expresses the belief that there is now no company in the state attempting to violate the laws.

There are now one hundred and thirty-one insurance companies authorized to do business in this state. Of these eleven are Kansas mutual companies, ten mutual fire, and one mutual life. The fire insurance companies now doing business in the state number eighty-nine; the life companies twenty-eight, and the miscellaneous companies (accident, plate glass, steam boiler, and surety), fourteen.

These companies paid to the insurance department, in 1889, \$44,415.77; in 1890, \$44,566.63. They have paid to the state \$472,625.75 since the department was established, in 1871. Before that date the money was collected by the auditor of state. Nearly all of this money goes to the school fund and the general revenue fund. The insurance receipts are turned over to the state treasurer every month, as required by law.

Insurance business statistics for 1890 have not yet been made to the department. The fire insurance written in the state in 1889 was \$137,728,570; cost in premiums \$1,913,296; losses paid, \$1,081,695; average rate of premiums, \$1.37--a marked decline.

Life insurance written in the state in 1889, \$14,379,948; losses paid, \$330,755; premiums received, \$932,829.

During the past year the supreme court settled the question that mutual fire insurance companies in this state, having no guarantee fund, could not do business in other states.

THE ADJUTANT GENERAL'S OFFICE.

The national guard is in a very satisfactory condition, as shown by the report of the adjutant general. The guard now consists of one battery of light artillery, and thirty-two companies of infantry, organized into four regiments, armed with the regular service rifles, and uniformed in the military fatigue dress of the United States army. The general government now furnishes arms and uniforms to the national guard.

The adjutant general reports that he has completed and bound in permanent form carefully-made copies of the muster-rolls of all the Kansas soldiers in service during the war, the originals being worn out and decayed. He has also completed, by direction of the last legislature, and enrollment of the Union soldiers, the widows and orphans, residing in Kansas, and caused the same to be arranged by states, regiments and companies, and well bound. There are sixty-nine volumes of this enrollment, containing about one hundred thousand service records.

On coming into office in January, 1889, I found a small body of the guard, under direction of Gen. Murray Myers, in Gray county, having been ordered there by my predecessor to quell a riot growing out of the county-seat contest between Ingalls and Cimarron. The force was continued in the field a few days only.

Early last summer a company of the third regiment was called out by the mayor of Axtell, in Marshall county, to assist him in preserving the peace. Without reference to this particular case, the suggestion of the adjutant general is very timely, that the power of mayors and other civil officers, now existing under the law, to call to their aid the military forces of the state, should be

more carefully guarded. The governor, as commander-in-chief, alone should exercise such authority.

In August, 1889, a serious conflict seemed imminent between the people of Ravanna and Eminence in Garfield county, as a result of county-seat difficulties. But Adjutant General Roberts proceeded in person to the scene, and by tact and good judgement, for which he is entitled to much credit, persuaded the parties to desist, and thus avoided the necessity of employing the military forces.

The recommendations of the adjutant general are worthy of careful consideration.

LABOR BUREAU--LABOR LEGISLATION.

The reports of the bureau of labor in your hands continue to grow in interest, and, what is more important, they exhibit a very satisfactory condition of our industries and of the people employed in the various industrial pursuits. The laws of Kansas touching the interests of labor generally are commendably liberal and progressive in spirit; but with the development and diversification of our industrial interests come new demands on the subject of labor which should be promptly recognized.

The organized wage-earners of the state will ask that the first day of September of each year, which they have set apart as "Labor Day," shall be made by legislation a legal holiday, and the request should be readily granted.

The time and manner of payment of wages will also be brought to your attention for appropriate action. It is a subject not free from difficulty, but it is hoped that some conclusion may be reached which will be just and satisfactory to all concerned.

The creation of a board of arbitration for the settlement of questions arising between employes[sic] and corporations will likewise claim your attention, with valuable information may be found in the reports of the commissioner of labor, to which your attention is accordingly invited.

THE CAPITOL BUILDING.

The report of the board of state-house commissioners herewith describes the present condition of the building, the work of construction carried on during the two years, and states the probable cost of completing the same.

The work has been retarded, and the board, as well as the contractors, seriously embarrassed for want of means, by relying entirely upon the proceeds of the four-tenths-mill levy, which constitutes the state-house fund. With the utmost care, it seems impossible to forecast accurately the amount of money that will come into this fund from such a levy by a given time in the future, and gauge contract obligations accordingly. The board therefore asks for a direct appropriation of \$100,000, to be available at once, in addition to the four-tenths-mill levy to be continued, to pay the outstanding warrants not paid for lack of funds, and for the prosecution of the work during the ensuing two years. Otherwise, it is insisted, the work must be discontinued for a year, which, in the present state of the building, would be extremely unfortunate.

The recommendation of the board in regard to locating the plant for heating and lighting outside the building, is most cordially indorsed. The reasons given in the report of the board, and in the report of the secretary of state, are urgent and conclusive. The boilers now under the wings are

old, worn out and absolutely unsafe, liable to cause serious injury to public property at any time. Such danger and other serious objections would be avoided in the proposed change.

THE SUPREME COURT.

The supreme court, consisting of three judges, as it was originally constituted thirty years ago, is vainly striving to do the business for a million and a half of people. Though laboring industriously and continuously, the task is simply impossible of performance. The business of the court is now about two years behindhand, with fifteen hundred cases on the docket undisposed of. From January 1, 1891, eight hundred and ninety-two new cases were filed, while the court, with the aid of the commissioners, is disposing of about six hundred cases annually. An increase of the much-needed permanent relief, notwithstanding the fact that a proposition looking to that end was voted down at the late general election. In view of this result, however, the action of the last legislature in continuing the supreme court commission was both timely and fortunate.

BOARD OF PARDONS.

It is sufficient to say of the board of pardons that time and experience fully demonstrate the wisdom of its creation. It continues to discharge the arduous and often delicate duties imposed upon it by the law in the most intelligent, impartial, and satisfactory manner. There is no more useful board in the state service, and it has come to be regarded, very properly, as a necessary part of the machinery of government.

STATE HISTORICAL SOCIETY.

The seventh biennial report of the board of directors of the state historical society shows additions to its library of 2,260 volumes of books; of unbound volumes and pamphlets, 5,208; and of volumes of newspapers and periodicals, 2,153; a total of 9,621 volumes. These volumes make a complete collection of the materials of the history of Kansas for the period of two years, and largely pertain to the history and progress of the entire country. Large accessions have also been made of manuscripts, maps, pictures, and miscellaneous contributions and illustrative relics.

STATE LIBRARIAN.

The report of the state librarian in your hands calls attention to the fact that the last legislature failed to make any appropriation for the purchase of books for the library for the last two fiscal years. It is hoped that this omission will be supplied by a liberal appropriation for such purpose for the ensuing two years.

LIVE-STOCK SANITARY COMMISSION.

The report of this commission, including that of the state veterinarian, is deserving of careful consideration. It faithfully sets forth the general condition of the stock interests of the state, and expresses the belief that the outlook is very bright for better prices for stock of all kinds in the

near future. The board urges the necessity of amending the quarantine law as hereinbefore recommended.

COMMISSIONER OF FORESTRY.

The commissioner submits a report of his office for the last two fiscal years, with some pertinent suggestions touching the general subject of tree-culture on the prairies.

THE WORLD'S FAIR.

The president of the United States has formally proclaimed that the World's Columbian Exposition, provided for by congress, and located at Chicago, will be opened on the first day of May, 1893. And I trust that the necessary provision will be promptly made to secure a creditable display of the products and industries of Kansas at this great international exposition. To this end a liberal appropriation will be required, and a board of managers should be provided for.

OTHER MATTERS OF PUBLIC INTEREST.

SUGAR.--The agricultural conditions of the state are faithfully exhibited in the valuable reports of the state board of agriculture, which likewise embrace much important information touching the general development of the state.

Sugar works were operated during the year 1890 at six points in the state, namely: Fort Scott, Medicine Lodge, Topeka, Liberal, Conway Springs, and Attica; the total product of sugar being 1,290,303 pounds. Nearly all of this was produced at the three points first named, Medicine Lodge leading with 599,893; Fort Scott with 356,761; Topeka with 277,742 pounds. The other plants made less than 60,000 pounds.

Experiments in beet-sugar manufacture are being conducted with very gratifying results, and those who have given most attention to the matter are enthusiastic over the prospect of the sugar industry in Kansas.

SALT.--Salt is being manufactured at Anthony, Hutchinson, Kingman, Nickerson, Wellington, Great Bend, Sterling, Lyons, Kanopolis, and other points in the state. It is regretted that more recent and complete data are not available relating to this new industry, the latest being a partial statement in the report of the state board of agriculture for 1889, the returns for 1890 not being yet at hand. The product for 1889, so far as reported, was 547,224 barrels, with 19,056 tons not put in barrels; value of product, \$448,238.

These figures are largely exceeded by the product of 1890, and this new source of wealth, so rapidly growing, is capable of indefinite development.

FRUIT CULTURE.--Fruit culture in Kansas is receiving more careful and practical consideration than ever before, stimulated by the successful experience of all who have given proper attention to the subject. With due encouragement, it should soon become a prominent and profitable industry of the state.

THE RAILROAD COMMISSIONERS VS. THE MISSOURI PACIFIC RAILWAY

COMPANY.--In October, 1889, the Missouri Pacific railway company discontinued passenger service on the Le Roy & Caney Valley Air-Line railroad, a branch line controlled and operated by said Missouri Pacific railway company in southern Kansas. The people along the line of the Caney Valley road, who had aided liberally in its construction, very properly and justly

complained, and the board of railroad commissioners, after due notice and full hearing, ordered passenger service restored, which the Missouri Pacific company declined to do. Having been officially advised of such order and refusal, the opinion of the attorney general was taken as to the proper remedy, and he was accordingly directed to begin proceedings in mandamus in the supreme court to enforce obedience on the part of the Missouri Pacific railway company to the order of the board of railroad commissioners. Such action was promptly taken, and the case is now pending. The question involved is of general interest, touching the power of the commissioners and the enforcement of its orders in such cases.

BOUNDARY-LINE QUESTION.--Early in this administration the question of the location of the boundary line between the states of Kansas and Missouri arose in a case in the United States circuit court between the St. Joseph & Grand Island railroad company and the officers of Doniphan county, Kansas, wherein the company sought to resist the right of said county to levy and collect taxes upon the bridge of the complainant across the Missouri river to the Kansas side. I directed the attorney general to appear in connection with the Hon. J.H. Gillpatrick, employed by the said county, and defend the interest of the state in such action. The court on the trial held that the boundary line between the states is the middle of the main channel of the river, instead of the low-water mark on the east bank, as contended by the county; further holding, however, that all that portion of the bridge lying within the state of Kansas is subject to taxation in Kansas as a continuing right. So that the result of the litigation was, on the whole, satisfactory, and settles a question of more than ordinary importance.

BEEF COMBINE CONVENTION.--Pursuant to a concurrent resolution of the last legislature, offered by Senator Gillett, I proceeded by correspondence with the governors of the states most interested, to call a convention to be held at the city of St. Louis, to consider the practicability of uniform legislation on the subject of the so-called "beef and pork combine," and to discuss the then prevailing depression in the cattle industry generally. The convention consisted of delegations from the legislature of the several states, and assembled on the 12th day of March, 1889, nine western states being represented. After several days spent in deliberation, a form of bill providing for state inspection was agreed upon as the best method of accomplishing the desired result, and so recommended to the several states. It will be noted, however, that such laws when contested have since been held void by the courts, as being repugnant to the interstate commerce provision of the constitution of the United States.

The proceedings of the convention were published in pamphlet form, copies of which are accessible, if desired. As the convention met after the adjournment of the legislature 1889, I have thought proper to thus bring the subject to your attention for such further action as may seem best in the premises.

DEEP HARBORS.--In August, 1889, I issued a call for a convention, which assembled in Topeka on the first day of October of that year, to further the movement to secure the construction of deep harbors on the gulf coast of Texas. Twenty-one states were represented, and the convention was, in all respects, successful in giving great impetus to the undertaking of such manifest importance to the people of Kansas and of the west. And it is gratifying to observe that Congress has since taken action in aid of the work contemplated by the convention.

SILVER CONVENTION.--According to the call for a national silver convention to be held in the city of St. Louis, beginning on the 27th day of November, 1889, I appointed a delegation of prominent citizens to represent Kansas in that body, and a very interesting account of the proceedings is embodied in the report of Hon. H.B. Kelly, one of the delegates, on file in this office. It is believed that the action of the convention did much to create the sentiment resulting

since in congressional legislation, providing for increased silver coinage, to be followed, it is hoped, by still more liberal legislation on the subject.

The reports of the state oil inspector, state mine inspector, board of health and board of pharmacy, are in the printer's hands, and will reach you in due time. Though not now accessible for such notice herein as they may merit, it is hoped they will receive proper consideration at your hands. The subject of mines and mining is one of especial importance to those concerned in that growing industry.

Confident in the belief that the several matters herein presented, touching the interests of the state, will receive considerate attention at your hands, and sincerely trusting that your labors during session may be both pleasant and profitable, this communication is respectfully submitted.

LYMAN U. HUMPHREY.

**EXECUTIVE OFFICE,
TOPEKA, KANSAS, January 12, 1891.**

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