

# Edmund Needham Morrill

## GOVERNOR EDMUND N. MORRILL'S MESSAGE TO THE LEGISLATURE OF KANSAS, 1895.

To the Senate and House of Representatives of the State of Kansas:

I think it may not be deemed inappropriate to say to you that, while I appreciate the high honor conferred upon me by the people of Kansas in selecting me as the chief executive of the state for the coming two years. I am not unmindful of the grave responsibilities that will devolve upon me, and I should hardly have courage to undertake them did I not feel that in every honest effort I may make to give to the people of the state good government I shall have your hearty and undivided support. A third of a century has passed since Kansas was admitted into the union, and you meet in this session under conditions strikingly in contrast with those that presented themselves to the first state legislature of Kansas. There has been a wonderful increase in wealth and population, a wholly changed condition of things, demanding an entirely different consideration of affairs. You will pardon me if I remind you that weighty responsibilities rest on you, and upon your action will largely depend the success of the present administration.

I am not aware that there is any demand from the people for a radical change in the laws, but they do ask for relief from the excessive taxation; that the expenses of the state shall be reduced to the lowest possible point consistent with a wise and economical administration of the state government. Owing to the financial panic through which the country has passed during the last two years--in some respects the severest that has ever been known--and the partial failure of crops for the same period, there has been a serious depression in values and a decreased demand for labor, which renders our burdens far more oppressive than they would be in years of prosperity. It should be a source of hearty congratulation to all, that Kansas has passed through the terrible crisis with so few failures, and so little to discourage its citizens.

While legislative enactments are important in opening the channels of trade, in stimulating industries, in protecting the individual in his life and property and his right to pursue happiness according to his own judgment, there are laws of trade which will control business and which cannot be repealed by any statute of any legislative body. The waters of the river, obeying the law of gravitation, will flow to the sea, and while the building of dams or putting in obstructions may retard the current, it will not change its course, nor can it stop its flow. Wise legislation would provide for the removal of the driftwood and snags, in order to accelerate the current. So industry and economy wisely directed will always find their reward in a measure, regardless of what human laws may decree. Still it is a recognized fact that legislation may disturb and restrict trade.

### **FOREIGN MARKETS.**

And in this connection I desire to call your attention to one branch of the trade of this country that especially interests our people, and that is the increased demand for our farm products from a foreign market. For several years a steady and determined effort was made to open up the markets of the old country to some of the products in which Kansas excels, especially Indian corn, beef, and pork. Under a better light, secured by wise legislation, prejudice and cupidity

were gradually yielding, and our exports of these products were becoming an important factor of great value to our people, and gave a promise of an increased demand for the articles in producing which Kansas can lead the world. But the present Congress has, in my judgement, by ill-advised and crude legislation, assumed to dictate to foreign nations their internal policy of protection to their home industries by discriminating duties on sugar imported from countries having export duties on that article.

This has led to active retaliation on the part of those countries, and all the nations of central Europe have become commercially estranged from our country and are taking active, and what prove to be effective, measures to prevent the importation of our meats, justifying themselves by a revival of the exploded and senseless claim that our meat animals are diseased. The repeal of the reciprocity provisions of our tariff laws has caused Spain and other countries to make a most unjust discrimination against the importation of our farm products. To relieve us of this embarrassment by the removal of this embargo, and to restore us to a condition where we can increase to its utmost limit the exportation of those articles which are our main support, is a matter of universal concern to the people of Kansas. I would therefore urge the passage of a concurrent resolution by your honorable bodies, instructing our senators and requesting our representatives in congress to introduce and work for the passage of the most effective remedial legislation in this regard.

## **CONSTITUTIONAL CONVENTION.**

When the present constitution was adopted, a large portion of the state was an unorganized waste. Only 10,326 persons voted for its adoption, and 5,521 voted against it, the whole number of votes cast being only one-twentieth as many as were cast at the last election. There were only 35 organized counties at that time; 70 counties of the state had no legal existence. The population of the state had been so decimated by the terrible drought of 1860, that there were really less than a hundred thousand people within the borders of the state when it was admitted into the union. It would hardly be possible for the small number of people living in the state at that time, with nearly two-thirds of the entire state practically unsettled, to understand or to anticipate the wants and needs of a state as large as this has become.

The practical limitation upon the sessions of the legislature was at that time a wise one, with the small population and annual sessions; but now that the number of the inhabitants is 15 times greater, and the sessions of the legislature are biennial, it is impossible for any legislative body to give the calm deliberation and thoughtful study of the needs of the state that are imperatively demanded.

There is an urgent demand for a reorganization of the judiciary system. Under the present constitution the number of judges of the supreme court is limited to three, and the legislature is only authorized to provide other courts which shall be inferior to the supreme court. The rapid increase in population and wealth has necessarily produced a large increase in litigation, until the supreme court is no longer able to hear the cases as fast as they are filed. For years the work has been gradually accumulating, until at the present rate of progress cases filed to-day would not be heard for six years.

Present relief might be had by the formation of another court, inferior to the supreme court, but it seems to be the consensus of opinion that an enlargement of the supreme court is the only practical solution of the question, and the only one that will be entirely satisfactory. At any rate, those skilled in the law, who have given the subject the most thorough study, agree in the

opinion that a large supreme court would better subserve the interests of the people. A litigant is better satisfied with an adverse decision from a supreme court than from an inferior one, as such a decision is not only a final determination of the case, but it is also a final determination of the law governing the case. And in the event of an increased membership of the supreme court, the constitution should confer on the legislature power to afford temporary relief when the court found itself unable to keep up with its business.

There should also be a change in our apportionment laws, by increasing the number of members in both houses. By doing this, the people would be more closely represented, and there would be less danger of unwise or corrupt legislation.

The provisions of the constitution with regard to the time when the legislature should convene, or the section fixing the time when the term of state officers should begin, should be so amended that the incoming state officers should always enter upon their regular terms before the legislature convenes.

More rigid constitutional provisions should be made limiting the power of the legislature in the matter of political subdivisions, so that counties, townships and school districts could not be organized within certain limits of territory or population, and also limiting the power of such political subdivisions in the extent to which debts may be created, as well as for the purpose for which the same may be incurred. Greater restrictions should also be placed upon legislation appropriating public moneys, or authorizing the incurring of public debts, and the purposes for which money may be appropriated or debts incurred should be carefully defined and sharply restricted. The governor should have authority to veto any section or clause in any appropriation bill that does not meet his approval.

The letting of convict labor to contractors should be prohibited, and such labor should be employed only on behalf of the state or where it will least conflict with the interests of other labor in this state.

The right of action to recover damages for injuries resulting in death should be guaranteed to the people by constitutional provisions, and the amount recoverable therefor should not be subject to statutory limitation. The power of the courts to set aside excessive verdicts is a sufficient guaranty against abuse of the right.

There should be clear and well-defined limitations of the powers of corporations, and the legislature should be restricted in its modes of authorizing the organization of corporations, and a reasonable tax should be imposed for every charter.

The present constitution provides that "all laws of a general nature shall have a uniform operation throughout the state, and in all cases where a general law can be made applicable, no special law shall be enacted." The early decision of the supreme court, that the legislature is the proper judge of whether the general law should be made applicable (decisions that have been so long followed that they have become practically a part of the constitution, by long-continued usage), practically render this clause of little force. There should be a prohibition of special legislation which should be universal, except in cases of the most urgent necessity.

Trusts and combinations to enhance prices should be prohibited in the constitution.

There should be a limit to the value of the homestead exemption allowed, so that properties of great value may not be held beyond the reach of creditors. The present clause in the constitution was placed there when very few quarter sections were worth more than \$1,000, while now many with improvements are worth each from \$40,000 to \$50,000.

The provisions with regard to the elective franchise should be so changed that parties guilty of betting on elections, or of giving or receiving bribes, or of promising or receiving promises of

emoluments, should not be entitled to vote.

The receiving of passes, franks or special privileges from railroad, sleeping car, telegraph or telephone companies should be prohibited to all public officers.

The constitution should absolutely prohibit the appointment of any member of the legislature, during his term, to any office created by the legislature of which he was a member, and no member of the legislature should be eligible to appointment by the governor to any office during the term for which he was elected a member of the legislature.

The constitution vests the full management and investment of the school funds with the secretary of state, attorney general, and superintendent of public instruction, and provides that any two of them shall constitute a quorum. These officers are chosen without any reference to their special fitness as financiers. They are liable to be changed every two years. The care of the school fund, now amounting to more than \$6,000,000, involves great responsibilities, and ought not to be left to the absolute control of two or three inexperienced men. A change of the constitution in this respect is imperatively demanded.

Many other reasons, in my judgement urgent and unanswerable, might be presented in favor of a constitutional convention. The expense, I presume, would be the most serious objection urged against it; but I am satisfied that a simple clause limiting the power of the legislature to appropriate money and to allow the incurrence of debt by municipalities, and the further provision allowing the governor to veto any clause in an appropriation bill, would save the state more every five years than the entire cost of a convention. For these reasons it seems to me impracticable to make any violent or radical changes in our laws now, but such amendments might be made as will correct present inconsistencies or repeal unwise laws. A new constitution when adopted will necessitate a revision of the laws to conform to the new limitations.

## **THE SUPREME COURT.**

Unless it is intended and desired to deny justice to a large class of our citizens, it is imperative that immediate steps be taken to relieve the supreme court of some of its burdens. The increase of business has been so great that the court is now hearing cases that were filed four years ago, and at the rate of progress it has made since the "commission" expired, it will be six years before the case filed to-day can be heard. The constitution limits the supreme court to three judges, so there is no possible way of getting immediate relief by increasing the number, as only an amendment to the constitution would afford that relief. Partial relief could doubtless be reached by allowing the judges to dispense with written opinions in all cases where, in their judgement, the same questions had been decided in previous opinions, or where only questions of fact were at issue.

Further relief could also be reached by limiting the cases that could be appealed to the supreme court to those involving constitutional issues, or where the title of real estate or the question of franchises is raised, or where the amount exceeds \$300. It is doubtless true that the fact that the court is five or six years behind with its work induces the filing of many appeals which would not otherwise be taken. There would be less inducement for litigants in many instances to take their cases to a higher court if they knew a decision would be reached in a few weeks. Litigation ought to be discouraged rather than encouraged; and while it may be a heaven-born right for the average citizen to go to law whenever he pleases, I could never see the justice of taxing a community several hundred dollars to defray the expenses of a court in order that two stubborn men might have the ownership of a ten-dollar calf decided.

There is now a general demand from the people of the state for an intermediate or appellate court, inferior to the supreme court. There seems no other feasible method of relieving the present congestion, which works a great hardship to many worthy litigants, especially those who have suits pending against corporations, or persons wealthy enough to be able to take appeals for the sake of delay. If, however, a court of this character is established, I would earnestly recommend that it be a temporary one. It could be so arranged that it would terminate in five or six years, and any future legislature could provide for its continuance if it was found necessary.

## **JUDICIAL DISTRICTS.**

During the years when the population of Kansas was rapidly increasing and new counties were being organized at each session of the legislature, new judicial districts were created, many of them anticipating a future growth of the western portion of the state that has not been realized. There has been, in certain sections of the state, a marked decrease in the population, and as the titles to the lands have become settled, and the speculative fever of those times has subsided, litigation has rapidly decreased. The number of judicial districts is far in excess of the requirements of the people, entailing a needless expense of from \$25,000 to \$40,000 per year. The contrast between the number of voters in some of these districts illustrates forcibly the uselessness of having so many judges. The 11th judicial district cast 17,305 votes at the late election. The vote cast in the 16th, 23d, 24th, 27th, 31st, 32d and 33d amounted only to 18,107, or only 800 more in the seven districts combined than in the one. In other words, the one district had nearly as many voters, and probably more population, than the entire seven referred to. Litigation depends upon the character, number and wealth of the people. The seven districts named had no large cities where criminals find a refuge. They had less commercial business, and a large part of the wealth of these districts consisted of unoccupied lands owned by nonresidents. So there would be every reason to suppose the litigation would be less in proportion to the number of inhabitants rather than more.

The first judicial district cast 14,938 votes, the second 4,917, while the thirty-second cast only 1,070 votes. Everything else being equal, the judge of the first district had 15 times as much work as the judge of the thirty-second. The fifteenth district cast 13,591 votes; the thirty-first, 1,154 votes. Twelve of the judicial districts have nearly 100,000 more inhabitants than the other 23 districts. The tendency of an increase of districts is to increase litigation. The judge who has all the work that he can do will not be inclined to encourage needless litigation, or to increase court expenses.

There ought to be a complete redistricting of the state for judicial purposes, and a reduction of at least 12 districts in number. This would save to the state in salaries of judges alone \$30,000 per year. I am not unmindful of the difficulties in the way of redistricting of the state, but I have confidence to believe that this legislature has the good judgment, courage and the ability to carry out a reform which commends itself to the intelligence of every voter in the state.

## **PERMANENT SCHOOL FUND.**

This investment of the permanent school fund of the state is a matter of grave public concern, and it should be guarded very carefully. There are about six millions of dollars in this fund. Several hundred thousand dollars of this money are reinvested every year. Too much care cannot be taken in the quality of the securities purchased. The safety of this fund is of the highest

importance, and should be protected more sacredly than even the funds in the state treasury. During the boom period in Kansas, while values were inflated, large amounts of bonds of various kinds were purchased. I would recommend that a legislative committee be appointed to thoroughly investigate the securities on hand, with instructions to report the actual cash value of each, and to recommend such steps as may be deemed advisable to fix the responsibility of illegal investments, to collect doubtful securities, and to suggest any necessary legislation to guard investments in the future. And I would suggest that this committee be appointed early in the session, so that it may report and recommend any amendments to the law that may be necessary for the protection of the fund.

No penalty whatever is attached to the violation of the law by the school fund commissioners, in regard to the class of bonds they may purchase for the permanent investment of the various school funds. There are now thousands of dollars invested in bonds which were not authorized by law, and which may prove a total loss to this fund. Bonds have been purchased that are not even recognized by the counties from which they purport to have been issued. The laws governing this board should be made more stringent, and severe penalties should be provided for any violation of them. Each commissioner should give a bond as loan officer of not less than \$100,000, and the law should provide that he should be held liable on that bond for any loss that might arise from the purchase of bonds not authorized by law. No more important duty devolves upon you than to guard with jealous care the funds set apart for educational purposes.

## **INTEMPERANCE.**

The blighting influence of intemperance is still seen in our state. There is scarcely a community that does not suffer from this cause, and happy is the family that is not directly affected by it. Its approach is so insidious that its danger is scarcely realized until it is too late to stay its evil effects. How to cure, or even lessen the evil, has commanded the earnest thought of every lover of his race, be he statesman or moralist. Its demoralizing effects are universally conceded, and can hardly be exaggerated. Much of the poverty and crime, the suffering and the sorrow existing to-day, can be clearly traced to its evil influence. Whatever tends to refine and elevate a people--to give them purer and nobler aspirations--will surely tend to lessen this evil.

The great work in removing intemperance from our land must be done through the churches, schools, and other elevating helps. Law is only a help--an assistant--and never should be placed before moral influences. It in fact can only be enacted when moral forces have created a healthy public sentiment against intemperance. It is valuable as an aid to help to create and maintain a healthful public sentiment, but ought never to be substituted for it. The great work of advancing the cause of temperance can only be done by thorough organization and active effort along the lines of education and moral suasion, aided by laws fully abreast of the public sentiment.

I cannot refrain from expressing my unqualified commendation of the action of the Chicago & Alton railroad company in requiring that their employes shall abstain from the use of all intoxicating liquors. The public have a right to demand that the men under whose care they place themselves when traveling shall be sober men; and it is to be hoped that the railroad companies of this state will soon follow the worthy example set them by the Chicago & Alton company. In 1880, an amendment to the constitution was adopted, prohibiting manufacture and sale of intoxicating liquors, except for medical, scientific and mechanical purposes. In 1881, 1885, and 1887, laws were passed providing for the enforcement of this provision of the constitution. Three legislatures have since been elected, and no attempt has been made to repeal or essentially

modify these laws. It is, therefore, fair to assume that the people desire this to be the settled policy of the state upon this subject. The only fair interpretation to be placed upon their action is, that they are determined that the open saloon shall not return to our state, and that they believe that the effect of the prohibitory law has been to lessen the evils of intemperance.

That the law is but imperfectly enforced, is conceded by all. Law is but a reflection of public sentiment, and the enforcement of law will always depend upon the action of the people.

Experience has fully demonstrated that the enforcement of any law, in opposition to the pronounced sentiment of the community, cannot be long successfully accomplished. Whenever the people in any community demand the enforcement of a law, "their voice will be heard."

Without the support of public sentiment, the efforts of the officers to enforce the law will not be crowned with success.

All laws ought to be enforced, for the open violation of any law is demoralizing to the public conscience. It breeds a disregard for law, which is dangerous to any community. In this country the law is supreme. It is the governing power; and a disregard of the law is a disregard of the government itself. A continuation of the open violation of any law can only result in evil to the state. The duty of every officer is plain; the legislature declares what the law shall be; it is the duty of the executive to obey and enforce it.

## **ASSESSMENT AND TAXATION.**

There is an almost universal expression of dissatisfaction with our present mode of assessing property for taxation. That it is unequal, and consequently unjust, no one familiar with it would for a moment deny. It is probably one of the most difficult matters to provide for in our laws. Our theory of taxation is that property should pay the tax, and the only safe rule to follow is to assess all property at its actual cash value, without regard to its character or the use to which it is applied. To a certain extent, however, the revenue derived from property ought to be taken as a basis upon which to compute its value.

If every piece of property in the state were assessed at its actual cash value, there would be absolute equality in the payment of taxes. But the same would also be true if all the property in the state were assessed at 10, 20 or 80 per cent. of its real value. The inequality arises, not from the fact that the property of the state is assessed too low, but because it is assessed unequally.

When one piece of property is assessed at 10 per cent. of what it is really worth and another piece is assessed at its full value, and other property is not assessed at all, great injustice is done to some of the taxpayers; and yet that condition of things actually exists in our state to-day.

Millions of dollars' worth of property escapes taxation entirely as a result of ignorance, inefficiency or willful dishonesty on the part of assessors. Other property is assessed at from 10 per cent. to 100 per cent. of its actual value, according to the judgement or whim of the assessor. There would be less danger of this inequality if an honest attempt were made by all assessors to place the true value upon all property; but before that could be safely done, the laws in regard to limitations on levies should be changed. To make the assessment four or five times what it is at present, allowing the limitation on the levy to remain where it is, might prove practical confiscation of property in some school districts, or counties even.

After a patient and careful examination of the law, I am unable to see where it fails to provide for an honest, impartial assessment. The fault seems to be rather in the administration of the law, than in the law itself. If the proper officers complied strictly with every provision of the laws relating to assessment and taxation, there would be little cause for complaint. More severe

penalties might be attached for violations of the law, but that remedy would hardly accomplish the desired results, for when an assessor makes his return, with property assessed at from 10 to 25 per cent. of its real value, and swears that he has, to the best of his judgement, given the true value, he knows, and everybody else knows, that he commits willful perjury. But how can you prove that he has not used his best judgment in deciding values?

What, then, is the remedy? In the first place, it is impossible to get equal, just valuation of property under our present system. When you divide up this assessment of property among a large number of men, you increase in the same proportion the difficulties in getting a uniform valuation. It would be a great step in the right direction if there were but one assessor in each county, and he should be appointed for a term of four years by the judge of the district court in which that county is located, the appointment to be approved by the county commissioners, who should also decide the number of deputies that he should have, and should also approve his selections.

By having the appointment of assessor made by the judge and for a period of four years, he is removed from the temptation to favor parties for their political influence, and he would be far more independent in his attempts to discover property that is withheld from assessment. Now we have about 1,600 assessors, largely men with little practical experience, selected more because they have little else to do and are "good fellows," each trying to keep his assessment down so that his township may pay less than its honest share of the taxes. These men are elected for one year, and are dependent for their reelection upon the men whose property they are valuing. The county commissioners should be required not only to equalize as at present, but it should be their sworn duty to raise the assessment of any pieces of property that they found placed below its actual value; and in case county assessors are to do the work, the time of assessment should date from January 1, thus giving two months more time for the assessment. But there is little hope of improvement until a more faithful administration of the law can be had. It makes less difference what the law is than how it is administered. There ought also to be some right of appeal from assessments that are grossly and outrageously unjust. Now, the assessor fixes the valuation, the commissioners refuse to change it, and the taxpayer is obliged to submit to what he knows is legalized robbery. I am well aware that the right of appeal would have to be restricted, but the very fact that the right to appeal existed would make the county commissioners more willing to do justice.

## **COLLECTION LAWS.**

The legislature of 1893 enacted a law to regulate the sale and redemption of real estate under execution, etc. It was doubtless the purpose and desire of the framers of this act to furnish relief to those who had mortgaged their homes and were unfortunately unable to meet their obligations; but the law seems to have had directly the opposite effect from what was intended. Believing that the theory upon which the law is based is a pernicious one, I desire to call your attention to its practical workings.

Capital is proverbially timid; it goes only where it is protected; it scents danger as quickly and keenly as a wild animal, and as promptly seeks safety. Capital cannot be driven by legislative enactments to make investments where it is not safe, and any attempt of that kind drives it quickly from the state. This result is as sure to follow as water is to run down hill.

The past two years have witnessed a rapid withdrawal of capital from the state, and the amount would have been much larger if it could have been collected. It is estimated that 15 millions of

dollars have been withdrawn the past two years by parties in the East, who had loans secured by real estate, and who have lost confidence in Kansas investments; while nearly all the large insurance companies and savings banks which have been accustomed to make loans here positively refuse to take any new mortgages until the laws are changed.

I take it for granted that there will be no difference of opinion as to the advisability of securing investments of foreign capital. The wonderful development of our grand young state--unparalleled in the history of the world--has been due, to a very great extent, to the free investment of capital from the eastern part of the country. This has been in the main largely beneficial to both sections. The lender has received a fair rate of interest, and the borrower has in most cases made money by his investment, while thousands of others have been greatly benefited by the rapid development of the state and the consequent increased value of all property. Without these investments there would be few miles of railroad in operation in our state to-day.

It is worse than idle--it is simply idiotic--to brand every eastern man who has sent money to the state to be invested as a robber and an enemy; and the results of this course have been to work a serious injury to the borrower. In fact, but for the impairment of our credit by the legislation under discussion, and the public sentiment it represented, there would have been no such demand for the payment of mortgages, from which we have suffered so immeasurably, but lenders would have sought to extend their loans at a reduced rate of interest. It is a well-known fact that the large part of the money invested in mortgages is either the property of people of small means who have retired from business and live on a scanty income, or of savings banks and life-insurance companies who hold in trust and loan the hard-earned savings of the poor.

The lender as a rule does not ask any consideration; he can and will send his money here when he is satisfied with our securities, and he can withhold it when he is not. He is free to go and stay as he pleases, and I have never yet been able to discover that sectarian beliefs or political views made any difference with the money loaner in the matter of his consideration of investments. It is quite different with the borrower; he is here to stay, is already in debt, and needs in most cases an extension of time in order to help him pay his liabilities. It is not a question with him whether he will contract a new debt; he already has the debt hanging over him, and his greatest need is more time in which to meet it, at a lower rate of interest.

It is hardly necessary to discuss here the question of whether the mortgage indebtedness of the state has been a benefit or an injury. It exists, and the great mass of our people desire to honestly pay their debt at the earliest possible moment. It is a gratifying fact that can properly be mentioned in this connection, that the census returns show that three-fourths of the mortgage indebtedness represents either the purchase money of the farms or permanent improvements thereon. And the further fact might be mentioned, that the increased value of the real estate in the state from 1880 to 1890, the period when most of the debt was created, was largely in excess of the total of all mortgages, and nearly sufficient to pay the entire indebtedness and all of the interest thereon for the 10 years. And this increased value was largely the result of the enterprise and energy that prompted men to buy farms and to place mortgages on the farms they already owned, that they might increase their acres or make better improvements thereon.

The present condition, with confidence entirely gone on the part of the investors, is an unfortunate one for the borrowers. While the return of favorable agricultural conditions and good crops would be an important element in restoring confidence, still it is not the principal one, and the strongest proof of this statement is found in the fact that money on real-estate loans can be obtained much more easily, and at less rates of interest, in Missouri and Nebraska than it can in

Kansas.

There are two important considerations that are taken into account by every prudent, careful investor. The first is the complete protection from loss, the absolute assurance that the loan will be paid; and the other is the promptness with which the debt can be collected, in case it is necessary to resort to a forced sale of the security. You may enact as many laws as you please, but you cannot disturb the immutable law of trade that makes the rate of interest depend on the security and the ease with which the loan can be converted into ready money; and any legislative enactment that depreciates the security and lessens the ability to force the collection of debt increases the rate of interest and works a common hardship on all borrowers.

Under the present law, the borrower can, without paying interest or taxes, retain control of the property pledged for security for two or three years, and can cause a serious depreciation in its value. This fact would prompt every conservative investor to commence action to foreclose as soon as there is any default in interest. Under a prompt foreclosure law, the lender would, in most cases, exercise greater leniency, knowing that he has the power at any time to collect his debt when he finds that the debtor is making no effort to pay. It is a rare thing in Kansas to find a lender who will not be lenient with a borrower who is making an earnest, honest, cheerful effort to meet his obligations.

The proceedings in foreclosure should be made as simple and inexpensive as it is possible to make, with a due regard to the rights of the mortgagor. The Missouri form of trust deed has proven, after many years of trial, very satisfactory. Something of that character, with a provision that the mortgagor should have the privilege of redemption for 12 months, by paying taxes, insurance, and interest, would doubtless be satisfactory to the borrower and lender. I am confident that the best interests of all classes would be promoted by the enactment of such laws as would tend to restore confidence in our ability and willingness to promptly meet our obligations.

## **INSURANCE LAWS, AND INSURANCE DEPARTMENT.**

The laws relating to insurance corporations and the transaction of insurance business in this state ought to be carefully revised or amended. The act creating the insurance department, and most of the laws since passed providing for the creation of insurance companies in this state, and their government, contain provisions which ought to be separated. All provisions relating to the incorporation of insurance companies ought to be in a distinct act from the provisions of laws relating to the insurance department. The insurance department was created for the purpose of regulating insurance companies, both foreign and domestic, doing business in this state, and for protecting the people from fraudulent or irresponsible companies.

Insurance to be of any value to the insured ought to insure, and it is worse than robbery for any company to take money for insurance and then fail to make good any losses that may occur, for it not only takes the money of the insured without rendering an equivalent, but it prevents the party from seeking and obtaining valid insurance. The laws providing for the organization of insurance companies--life, fire, and casualty--not only need careful revision, but provisions might, with propriety, be added to authorize the corporation of accident societies or associations. Such associations organized under the laws of other states for the purpose of effecting insurance upon the lives and persons of certain classes of men against injury of loss resulting from external and accidental means have been doing business in this state for several years past, and do not seem to be within the control of the insurance department.

This ought not to be permitted. Insurance companies of the class mentioned, whether organized under the laws of this state or under the laws of any other state, ought to be made subject to the jurisdiction and control of the insurance department. And certainly our laws ought not to permit any class of foreign insurance companies to transact business in this state, and yet deny to our own citizens the right to organize like companies. Some of the insurance companies referred to as accident associations, organized under the laws of other states, and doing business in this state, are said to be secret associations, having ordinary rituals, signs, and passwords, like other secret societies.

I doubt whether such organizations or societies should be permitted to transact business of insurance in this state; but if they are permitted to do so, they should be brought under the jurisdiction and be made subject to the control of the insurance department. It might be well for the legislature to consider the whole question of fraternal insurance, so called, as well as accidental insurance, and make suitable provisions respecting the terms and conditions upon which such associations may transact their legitimate business in this state.

## **IRRIGATION.**

The subject of irrigation is one of vast importance to the people of this state. In nearly one-half of the state the scant supply of the rainfall makes general farming an uncertain and precarious business, and renders comparatively valueless, except for grazing purposes, millions of acres of the choicest lands in the state. With an ample supply of water at the proper season, at least 20 millions of acres of land now not worth on an average more than \$2.50 per acre could be given a value of \$25 per acre, adding at least 400 millions of dollars to the wealth of the state, and making that section the garden spot of the nation.

Numerous theories for the prevention of drought have been advocated and tested, but they have proven failures, and the people are now turning to the subject of irrigation. There are some difficulties that confront them. The amount of the water supply, and its availability for irrigation purposes, are the chief problems to be settled.

The western settlers, in their struggle to develop that part of our state, deserve the hearty support of every citizen. A more brave, honest and intelligent class of men never cast their fortunes in a new country. An appropriation of public money to a limited degree, to be expended under the direction of the state board of agriculture, or the agriculture college, may be advisable. But we should carefully avoid any extravagant expenditure of public money in visionary experiments. The energy, industry and pluck of the people are the real basis of the development of any country, and upon that we must depend for the development of every part of our state. Wise and equitable laws controlling the water supply of the streams that we have may be necessary, but the chief source of supply, in my judgment, must come from what is known as the "underflow," and be utilized by pumping. And as every man who owns his farm owns his water, and can own his plant, no legislation is necessary to aid him in the development of his farm. Experimental stations, however, can be made valuable, and a thorough and systematic survey of that portion of the state may develop some new means of utilizing the present water supply. I most earnestly commend to your careful consideration the subject of reclaiming that beautiful section of our state.

## **UNIFORMITY OF TEXT-BOOKS.**

The question of state uniformity of text-books is an important one, and should receive your serious attention. As it now is there is not even county uniformity. Indeed, in many of our counties the text-books change with the school-district lines. In some counties there are from 5 to 10 different kinds of text-books used in the public schools. A family moving from one district to another is thereby needlessly put to a great expense. The result is, that in the aggregate the people of the state expend many thousands of dollars for which they never receive any adequate return, which would be saved the people if we had a uniformity of text-books.

This is all the more important because this burden falls usually upon those who are least able to bear it. The farm tenant, who changes his residence from year to year, or the laborer, who, seeking employment, must move from one city to another, is almost invariably compelled to buy a new set of books for his children. This is imposing upon him an unjust burden, and compelling him to expend quite a large amount of money uselessly, because the books which he is compelled to dispense with are just as valuable and as useful for the instruction of children as the new ones which he is compelled to buy.

There is no valid argument against the system of state uniformity, and there are many arguments for it, and where it has been tried, it has proven very advantageous.

## **CHICKAMAUGA.**

Under the act of Congress of August 19, 1890, a park has been established at the battlefield of Chickamauga, and the government has purchased, or proceedings are pending for the purchase of, over 6,000 acres of the battlefield, embracing most of the heavy fighting ground.

A commission was appointed by the President to take charge of this work, and nearly all of the states whose troops were engaged in the battle have already appointed commissions to act in conjunction with the United States commissioners in locating the positions of the different regiments and batteries; and most of the states have provided for the erection of suitable monuments to mark the positions occupied by their respective troops on the field.

In that memorable battle Kansas was represented by Gen. Robert B. Mitchell, commanding a division of cavalry, Col. John A. Martin, commanding a brigade, and Lieut. Col. J. L. Abernathy, commanding the eighth regiment of Kansas volunteers.

The battle was one of the most important of the war, and the Kansas troops fought with great bravery, reflecting honor on their state. The loss of the brave eighth has seldom been excelled by any regiment on any battlefield. They went into the engagement with 406 men; they came out with 163; 44 were killed and 199 were wounded or missing. It is important that the position occupied by the regiment in that contest should be properly marked, and it is but a fitting recognition of their distinguished services.

Eighteen states have already appointed commissions to assist the national commission in the work of locating positions. The eighth Kansas regiment should have one monument near the Viniard place, where it fought on Saturday, the 19th, one at Orchard Knob, and one on Missionary Ridge.

I would most earnestly recommend that the sum of \$3,600 be appropriated for the erection of these three monuments, and that the further sum of \$400 be appropriated to pay the expenses of three commissioners, to be appointed by the governor, from the survivors of that battle, to select the proper monuments and to decide where they shall be placed.

## **PUBLIC PRINTING.**

In the matter of public printing there is, in my judgment, an unwarranted expenditure of public money. The amount paid for this work by this state every year is exorbitant--much in excess of that paid by other states that are much larger in population and wealth, even for the same quality and amount of work. Our law is defective, and our constitution is in this respect at fault.

In the state of Ohio, the public printing is let by contract, every printer having a right to bid. There, an officer is appointed by the governor, known as the supervisor of printing, who receives a salary of \$2,000 a year. He examines all printed matter and sees that it is done according to contract, and has power to accept or reject the work. The entire cost for the printing and binding for that great state, which has three times the population and wealth of our state, for the last year was only \$71,450, a less amount than that paid by Kansas.

The state of Illinois has a similar law. The public printing in that state in 1893 and 1894 amounted to less than \$50,000--not quite \$25,000 per annum.

In Nebraska the public printing is let in the same manner, and for the years 1893 and 1894 it cost the state \$50,800.

In the state of Missouri, for the same period of time, it cost \$87,500, or less than \$44,000 per year.

Kansas paid in 1893 \$75,000, and the appropriation of \$56,000 for 1894 is now nearly exhausted, with half the year remaining.

But since our constitution provides that the state printer shall be elected, and that he shall do all public printing, it is impossible for us to put our state printing upon the same basis. The legislature has the power to regulate the prices which shall be paid the state printer. The laborer is worthy of his hire, and a fair, honorable and just compensation should be paid by the state for all work performed for it. Whatever is paid beyond that is so much unjustly taken from the taxpayers of the state, and ought not to be tolerated.

The state of Iowa has a similar law to ours. The prices paid for printing there are about one-third less than those paid by us. For printing laws, journals, reports, and circulars, the state printer of Iowa is allowed 50 cents per 1,000 "ems" for composition, and 70 cents per 1,000 "ems" for table work. Kansas pays, for printing journals, reports, laws, circulars, etc., 75 cents per 1,000 "ems" for straight matter, and \$1.12 1/2 per 1,000 "ems" for table work.

For presswork, the Iowa state printer receives \$1.50 per 1,000 for 16-page forms. We pay \$1.87 1/2 per 1,000 for eight-page forms. In fact, however, the state printer never runs an eight-page form. He runs one 16-page form and charges for two eight-page forms, making the actual price paid by the state \$3.75 per 1,000 impressions, against \$1.50 paid by the state of Iowa.

The state of Kansas pays 50 per cent. more for composition than the state of Iowa, and 150 per cent. more for presswork. Illustrations of these extravagant prices paid for printing can be multiplied, but it is unnecessary.

Another very important matter in connection with the state printing, that should receive your attention, is the voluminous matter published in the reports of the departments. A great deal of matter which is of no importance whatever is embodied in these reports. The executive council should be authorized and required to limit the size of reports, and to determine the character and expense of binding. The appropriation for public printing for the years 1895 and 1896 should not exceed \$80,000, thus saving the state more than \$50,000. The matter demands the immediate attention of the legislature, and a thorough revision of the prices paid for public printing should be immediately had.

## **FEES AND SALARIES.**

Your attention is called to the abuses which have grown up under our system of fees and salaries. The most practical way to reform these abuses would be, where it is at all feasible, to abolish the fees system and substitute a fixed salary for all officers.

Your careful scrutiny is invited to the matter of salaries, with a view to such reduction as will bring them in harmony with the changed business condition of the state.

### **ENROLLING CLERKS.**

Your attention is called to the act of May 1, 1885, sections 3651, 3652 and 3653 of the revised statutes, providing for the engrossing and enrolling of bills. It was clearly the intention of the law that the secretary of state should have charge of this work, and that the enrolling clerk of each house should be held accountable for the care and custody of the bills for their respective houses, when such bills were not in the hands of the secretary of state. The authority for the employment of additional clerks rests with the secretary of state and the enrolling clerks.

I would suggest that the law be so revised as to place the employment of assistant engrossing and enrolling clerks, and the entire control of work, with the secretary of state, and that the enrolling clerks be required to take charge of the bills from their respective houses, delivering them to the secretary of state, taking his receipt therefor, and when the bills have been enrolled or engrossed, receive them from the secretary of state, receipting to him therefor. This would define clearly the duties of the different officers, so that each could be held strictly accountable for the discharge of his duty.

The act referred to provides for the compensation of clerks at a stated sum per folio, and no authority exists for employing assistant engrossing or enrolling clerks by the day. The disregard of this law by the legislature has cost the state thousands of dollars biennially, and has caused an unseemly scramble for places, in many instances by persons utterly unqualified to discharge the duties of enrolling clerks.

### **STATE BOARDS.**

Several propositions have been discussed looking to a change of the powers and duties of the state boards, but I doubt the wisdom of making any radical changes in this respect. Some amendments might be made which would increase the efficiency of these boards, and it would be well for you to consider the propriety of abolishing entirely some of them.

It would seem that either the board of public works or the office of state architect might be dispensed with. The office of silk commissioner can be abolished without any detriment to the state. The state board of health might be made less expensive without materially diminishing its efficiency. The office of state veterinarian might be abolished, and the office placed under the control of the professor of veterinary at the agricultural college. In these times of depression it is your duty to cut off all expenditures not absolutely necessary.

There has never seemed to me any reason why members of the state boards should be paid mileage. It would be far more reasonable and sensible to pay them their necessary traveling expenses actually paid, and their per diem for all time necessarily employed, and I know no reason why the per diem should be increased.

The treasurer of the board of charities handles a large amount of money, and gives only a small bond as member of the board. The businesslike way to do would be to abolish all these minor treasurers, and require all moneys to be paid by the state treasurer. But if this is not done, he

ought to be required to give a bond sufficiently large to cover any moneys belonging to the state that may come into his hands.

There seems to be no system of checks or counterchecks on any of these boards. The board of charities expend about \$350,000 per year. They make their own contracts, audit their own accounts, and manage matters after their own will. There is no provision even for the investigation of their accounts, except when the legislature is seized with a spasm of virtue, and examinations of this kind are but of little value.

The most critical examinations ought to be made of the accounts of every state institution, at least once a quarter, by an expert accountant, who should visit the institutions at irregular seasons without the slightest notice to the officers. He could render valuable assistance by suggesting improved modes of keeping accounts.

The governor, as the chief executive of the state, is virtually responsible for the proper management of the state institutions. To enable him to be brought in closer touch with their management, I would suggest that he be authorized to employ an additional clerk, who should be an expert accountant, and whose duty it should be to examine quarterly, or oftener if directed by the governor, the accounts of all state institutions and state boards.

He should also be subject to the orders of the governor at all times, with authority to examine the accounts of county treasurers, far enough at least to protect the state in the matter of state taxes and school-land funds. The simple fact that there is a difference of almost \$100,000 in these accounts emphasizes the importance of this last suggestion.

I deem it of far more importance that these suggestions should be carried out than that radical changes should be made in the numbers, powers and duties of the boards. Frequent changes in the laws make many and unnecessary complications, and it is better "to endure the ills we have than to fly to those we know not of."

## **INSANE, AND INSANE ASYLUMS.**

The dictates of humanity demand that the tenderest care should be given to our unfortunate fellow-citizens who have been bereft of their reason. No reasonable expense should be spared to provide for their comfort to furnish the best medical attendance attainable.

At present the two asylums at Topeka and Osawatomie seem inadequate to provide suitably for all of this unfortunate class. The detached building at Osawatomie for female patients, authorized by the last legislature, is now nearly completed, and when proper provisions shall have been made for furnishing and fitting it for occupancy, it will furnish accommodations for about 300 females.

This will relieve, for the time being, the pressure upon the two institutions; but additional room will soon be required. To provide for this need, the asylum at Topeka should be completed by the erection of a ward building for women, and a center or administration building. When the institution was opened, in 1879, with a capacity of 125 patients, temporary accommodations for officers were provided in one end of one of the ward buildings, and they have ever since been occupied for that purpose. This greatly lessens the comfort of the patients, and this temporary arrangement should be abolished at the earliest possible moment.

The original plan for buildings at Osawatomie has, I understand, been carried out. After the completion of the original design for buildings at Topeka no more should be erected at either place, but whenever additional accommodations are required a location should be secured in the western part of the state, where patients from that section can be cared for, in order that they may

be more easily accessible to their friends who desire to visit them. The cost of commitment would be materially reduced.

The present laws for the commitment of the insane to the asylum seem to be relics of barbarism. There is something absolutely repulsive to me in the sight of a sheriff taking a young lady from her home as he would take a person accused of a crime, and bringing her before the court, where a gaping crowd of curious people have gathered to see her tried by a jury like a thief. I cannot see where there could be any danger of a person being unlawfully deprived of his liberty if the probate judge were authorized to appoint a commission of two or three reputable physicians to go quietly to the home of the unfortunate and make the necessary examination. And when any person is adjudged insane, it would seem much more appropriate to employ some friend, in whom the insane person had confidence, to take him quietly to the asylum; and, in case the patient is a female, a lady attendant ought in every case to accompany her.

In the legislative session of 1891, a law was enacted giving the directors of the penitentiary authority to send insane convicts to the asylums. There is a natural and very strong repugnance on the part of friends of the insane to having them compelled to associate with convicts. At any rate, there is no reason to suppose that the directors of the prison are especially well qualified to decide what insane prisoners should be transferred, and if such a transfer is to be made at all, it should only be with the full consent of the superintendent of the asylum, after a careful examination of the person proposed to be transferred.

## **REFORMATORY.**

The legislature in 1885 appropriated \$60,000 to purchase a site and to commence the erection of buildings for a reformatory for the confinement of a class of young criminals whom it would be possible to reform and turn to lives of usefulness. It is a startling fact that the number of criminals in the country at large is steadily and surely increasing. There seems to be a large class of vagrant, shiftless tramps, from which the supply is constantly recruited. The effect of confinement in our state prisons seems to be to make confirmed criminals out of those who in some measure might be called incidental convicts.

Primarily, the object of all punishment for crime is the protection of society, but it is oftentimes a better and a cheaper safeguard to society to make a good law-abiding citizen out of the young man who has fallen into evil ways, than it would be by repeated convictions to keep him in the penitentiary. Other states have adopted a system of reformatories with marked success, and I suggest to you a careful investigation of their systems and the results that have followed, with a view of carrying out the original plan for a similar system in this state.

In pursuance of the act of the legislature of 1885, a commission was appointed, and a site for a reformatory was selected at Hutchinson, the citizens of that county donating 640 acres of valuable land for that purpose. Two hundred thousand dollars have since been appropriated by the legislature, and nearly the entire amount has been expended in the erection of buildings, some of which are completed, while others are in an unfinished condition. It is claimed that a small appropriation for the purpose of putting in a heating apparatus and completing the cells would render it fit for occupancy, and that the labor of the prisoners could then be utilized in completing the work, giving them constant and healthful employment, and thus avoiding bringing them into competition with other industries of the state.

This is a matter that demands your prompt and careful consideration, and some steps should be taken looking to the early opening of the reformatory, in order that youthful prisoners might be

removed from the society and influence of hardened criminals.

Many of the states have a system of paroling prisoners who have served the minimum sentence provided by law for the crime for which they are sentenced, and who have by their uniform good conduct shown that they are worthy of confidence, and who have the promise of steady employment. Your thoughtful attention is invited to this matter, with a view to the enactment of a law providing for a system of this kind in this state.

## **STATEHOUSE.**

The statehouse ought not to be allowed to remain long in its present unfinished condition. The wise course, in my judgment, would be to make a special levy of a small amount to carry on the work, so that it can be gradually and substantially advanced to completion. A levy of one-fourth of a mill for the years 1895 and 1896 would raise at least \$160,000, and this would probably be as much as could be judiciously expended during that time. Provision should be made so that the work might be commenced at once. A small appropriation should also be made for improving the statehouse grounds. A competent landscape gardener should be employed by the executive council to prepare plans, and then all work should be along the lines of those plans.

## **STATE UNIVERSITY.**

The superior institutions of learning are receiving an attention that was never before bestowed upon them in the history of the country, and there is a spirit of emulation awakening in most of the states to place the state universities upon a high plane. Our university has always been the pride of Kansas, and it should be the purpose of our state to make it a great university in the widest sense of the term, equal to any in the United States. The university has already accomplished a wonderful work. It has an able and an enthusiastic faculty, and its business matters have been managed with signal ability. It is the pride of every Kansan who appreciates its great worth, and it is bad policy and worse economy to withhold from it any needed aid.

## **STATE BOARD OF AGRICULTURE.**

There is one interest in Kansas overshadowing all others, and that is the interest of the farmer. Whatever promotes that interest develops the state. He is a public benefactor who can, by arousing a new zeal, or by developing a better mode of farming, increase the productions of the soil; and one of the instrumentalities that have done much to elevate farming in Kansas is the state board of agriculture.

The great service rendered to the state by its board of agriculture has long been recognized not only in Kansas and America, but in foreign lands, in all of which its useful publications are sought and studied as the highest authority on matters pertaining to our condition, prosperity and progress. In fact, the high standard of its work and efficiency has become so well understood that older states, dissatisfied with abortive attempts to do a like work with political machinery, are now asking to be shown the methods by which Kansas has been able to accomplish such far-reaching results along these lines at such a minimum of cost.

Much of the success of this department is undoubtedly due to its having been held aloof from party politics--maintained as a strictly nonpartisan body, a servant of all the people alike; and the highest wisdom suggests its being kept on this basis.

For doing the helpful work, which present conditions are making demand for in greatly-increased volume, proper and generous provisions should be made in the line of clerical, printing and postage funds. This being the year in which the board is required by law to supervise the taking of our decennial census and to compile its returns for printing, the preparation, sending and returning of the necessarily extensive schedules for each township will demand a very considerable sum for postage and printing, and the extra clerical help essential for their compilation will, owing to increased population, probably cost more rather than less than the corresponding work on the census of 1885.

Whatever enables this board to enlarge and extend its work benefits almost the entire population of Kansas, and it would be a wise policy to increase the appropriations in its behalf, even though it be done at the expense of some other and less useful department.

## **BANKING.**

The law of 1891 in relation to banking has proven of great benefit to the state, and generally satisfactory to the people. The banker occupies a position of trust, and every safeguard possible ought to be thrown around the business to protect the people from loss. Some slight changes might be made to increase its efficiency, but in the main I believe it is all that is required. It would be well to more clearly define the powers and duties of the directors; to give them authority under certain restrictions to diminish their capital.

There ought also to be a provision that all fees for examining banks should be paid directly to the state treasurer and not to the examiner. The appropriation for this department should be reduced to the lowest possible limit that it can be without diminishing its efficiency. There is a constant tendency in all the departments of the state to increase expenses, which ought to be checked before taxation passes the point of endurance.

## **HISTORICAL SOCIETY.**

The state historical society should have a warm place in the hearts of the people of the state. For nearly 20 years it has, with comparatively little help from the state, made an earnest, persistent effort to gather within its rooms everything pertaining to the history of Kansas. It has more than 10,000 bound volumes of Kansas newspapers and magazines; and there is no better record of the progress of the state than can be found within these files.

Every section of the state is interested alike in encouraging the efforts of the society. The collection they have already gathered is of priceless value. Special arrangement should be made, in completing the capitol building, to provide ample and commodious rooms for the society, and reasonable appropriations should be made to enable it to carry on its work.

## **STATE BOARD OF HEALTH.**

I believe it would be wise to change the law providing for the appointment of members of the state board of health. There are three organized medical associations in this state--the allopathic homoeopathic, and the eclectic. The law now provides that these schools shall be represented on the state board of health, and that no one school shall have a majority of the members of the board. I would recommend that, instead of the governor selecting the nine members from the body of the physicians throughout the state, each of these associations be empowered to

nominate 10 candidates for membership, and that the governor select the nine members from those nominated by the medical associations.

In this way the members of the board would have the recommendation and support of the state organization of the school to which they belong. This would certainly be more satisfactory to the medical profession, and give us the highest standard of membership for the board.

The salary of the secretary, in my judgment, is excessive for the work that needs to be done.

Being the secretary of the board need only take a part of the time of a physician, and would not prevent his practice of medicine. One thousand dollars would ample pay for the services necessary to be rendered. I would therefore recommend that the salary be reduced to that amount.

### **SOLDIERS' HOME.**

The hard times which have pressed so heavily upon all the people of the country for the past two years, together with the advancing age of the defenders of the flag during the war of the rebellion, have caused extraordinary calls to be made for admittance to the soldiers' home. It has been found absolutely impossible to receive all who have applied.

If we are to care for those who offered their lives in defense of their country, who in their early manhood went forth to battle for the nation (and I know no more sacred duty), additional room must be furnished, or many of these brave men will be compelled to go to the almshouse. I urge upon you prompt and earnest attention to this matter.

### **SOLDIERS' ORPHANS' HOME.**

Measures to provide for the fatherless, dependent or abandoned children of the state commend themselves to every lover of humanity. We have at Atchison an institution in which all should feel a deep interest. Under the able and efficient management of the superintendent who has had charge of it since it was first organized, about 125 children have been cared for the past year. Many applicants have been refused admission for want of room. Provision should be made for the accommodation of at least 100 more. And your attention is especially invited to the report of the superintendent, which fully sets forth its plan and needs.

In this connection I desire to suggest that some restrictions ought to be imposed upon the bringing into the state friendless children that are gathered up in large cities of the East. Security should at least be required from those bringing them in against their becoming a public charge.

### **FISH.**

The subject of raising fish in this state has, in my judgment, never received the consideration it deserves. We have numberless small streams, and artificial ponds can be easily made, in which several varieties of fish can be raised with little trouble. As an article of food they are wholesome and much desired. They can be raised as cheaply as pork, and are in every respect a better food article. Your special attention is called to the report of the fish commissioner, with the recommendation that some legislation be enacted to stimulate the production of this desirable article of food.

### **COAL OIL INSPECTOR.**

The law creating the office of coal oil inspector should be so changed as to require the inspector to pay into the state treasury all the fees collected by him; and his salary and that of his deputies should be paid to him by the state treasurer upon sworn vouchers, the same as any other state officer.

The present method of allowing the inspector to collect fees and pay himself and his deputies from the moneys collected is unbusinesslike. The auditor should furnish the inspector with blank duplicate receipts consecutively numbered, and whenever he makes an inspection one of these receipts should be given to the owner of the oil, and the other should be transmitted weekly to the auditor. A record of these receipts should be kept in his office, and he should be required to pay into the state treasury monthly all fees collected by him, and file an itemized statement showing from whom and when the money was received.

## **STATISTICS.**

It would be well to require the county clerks to report, in addition to the statistics now required of them, a statement of the number of mortgages filed and released during the preceding year, and whether on farms or town property, the total amount of consideration in such instruments, and also the number of mortgages foreclosed and the amount involved, and whether given for the purchase of property or not, and whether upon occupied or abandoned farms. This could be done without additional cost, and would be valuable information.

## **STATE INSTITUTIONS.**

I commend to your careful consideration the reports from the different boards having charge of these institutions. With the limited time at my command, I have been unable to make the necessary examination to enable me to intelligently discuss their needs. It is a matter of profound regret that gross scandals have been publicly circulated in relation to the management of some of these institutions, and I would urge that thorough investigations be made of these charges, in order that the guilty may be punished and the innocent relieved of unjust imputations.

## **PUBLIC HIGHWAYS.**

Every citizen is interested in having good roads. To the farmer who has to ship his products by rail it is a matter of special importance, lessening, to a considerable degree, the cost of transportation to the depot. And yet there is hardly a matter that will come before you that will awaken less interest, and there is no expenditure of money so loosely guarded. The country is divided into small road districts; anyone is chosen supervisor who will accept; all who care to do so are allowed to work out their road tax at extravagant wages, and the result is that one-half of the tax judiciously expended under the direction of some competent and intelligent man, who has made a study of the best manner to improve the public highways, would be more effective and produce better results than are now obtained from the entire tax.

A new system should be provided. The county commissioners should have charge of the roads, with authority to appoint a sufficient number of overseers to look after the roads of the county. All road taxes should be paid in money, and it should be expended in the most practical and economical manner possible.

The county commissioners should also be required to personally view and lay out all new roads,

and assess damages therefor. The present system of appointing road viewers should be entirely abolished.

### **TOWNSHIP OFFICERS.**

I recommend that the term of township officers be extended to two years, and that they be elected on years in which there is no election of state officers. The reasons for this change will readily suggest themselves. One of the more important would be, that it would divest the election of state officers from any connection with that of the township officers. The term of two years is certainly short enough, for the officer can hardly become familiar with his duties in less time.

### **MATURING STATE BONDS.**

The following bonds of the state become payable in 1895 and 1896:

March 15, 1895.....	\$36,500
July 1, 1896.....	\$70,000

All of the bonds due in 1895 are held by the state school fund as a permanent investment, and \$38,000 of those payable in 1896 are thus held. I would suggest that the state school fund be authorized to take up those bonds above named that are not held by them, and that the time of payment of the entire amount be extended, subject to payment at the option of the state, at the rate of 4 per cent. interest. This would make an absolute safe investment for the school fund, and would leave the money in the hands of the people.

### **WESTERN COUNTIES.**

For the past two years there has been a partial failure of crops in some sections of the state. In some counties in the eastern part of the commonwealth the crops have been nearly equal to the average, and the increased prices received have increased the profits of farming. But in the western section of the state, for two years, there has been practically a total failure.

The settler in a new country is never blessed with a surplus of worldly goods. He goes there because he is poor, and because he feels that, in a new country, with cheap lands at his command he can build up more easily a permanent home for himself and his loved ones. The people in the eastern part of Kansas have passed beyond the point of being called "new settlers": they have established good homes, have opened fine farms, have built substantial houses, and have provided themselves with large orchards, which are producing an abundance of fruit, and they are practically an old, well-established and a comparatively wealthy community.

But the western part of the state has not yet reached that point. A more fertile soil, or finer land to look upon, cannot be found in the world, and it is to be sincerely hoped that the total failure of rain for the past two or three years has been phenomenal, and that as severe droughts may not occur again for years. A more enterprising, energetic, honest and brave class of men never opened up a new country. They have cheerfully borne its privations; they have labored persistently, trusting with almost implicit confidence that the harvest would follow the springtime; but the clouds have withheld their rain, and there has been practically no return for their labor. They have displayed a pluck and a fortitude never excelled by any people.

I am very proud to say that there have been, so far, scarcely any appeals to me for help for that

section; but I feel that I ought to call your attention to the condition existing there, in order that you may take such action as may be deemed for the best interest of the state.

## **LOTTERIES AND GAMBLING.**

Your attention is invited to the provisions of the constitution prohibiting lotteries and the sale of lottery tickets. There is no law to enforce this provision of the constitution. If it is possible for one form of gambling to be worse than another, this one is the most fruitful of evil. It reaches out into every village of the state, and the churches and the religious organizations are contaminated by it. I would urge the passage of a law prohibiting lotteries of every character and the sale of lottery tickets under any device, with penalties severe enough to make it effective.

## **BRIBERY LAW.**

I recommend the passage of a law making the acceptance of a bribe by any public officer a crime, and providing adequate punishment therefor. Such a bill passed the House of Representatives in 1891, and again in 1893, but in each instance failed to reach a vote in the Senate.

Prior to 1869 the law made it equally a crime to give or to receive a bribe. In that year the legislature repealed so much of the law as made it a crime to receive a bribe, leaving in force only that part of the statute making it a crime to give a bribe. It was argued in support of this partial repeal, that if both parties to the transaction were subjected to punishment, there would be nobody willing to testify to the facts.

If there is any force in that argument, it would seem that the portion of the law which was repealed is the one which should have been left in force, and the portion which was left in force should have been repealed. For it is possible that a person who had bribed a public officer might make the fact known, especially if the bribe had been exacted under color of office, and unwillingly paid; but it is much less likely that a public officer would proclaim his own disgrace by publishing that he himself had been bribed. However this may be, the result has not justified the argument, and the theory of excepting the bribe taker from the just penalty of his crime is not in harmony with enlightened public sentiment.

It should be understood and agreed by good citizens everywhere that no public officer has any right to receive a dollar for any act of his whatever in his public capacity except the salary or fees which the law gives him. The emoluments of legislators, city councilmen, and of some other officers of trust and power, are very small. But no man is compelled to assume such office against his will; and if he seeks it with the hope of making up deficiencies in his salary by using his official position for his private gain, he is an enemy to the public, and should be in the penitentiary instead of in public office.

## **ELECTION LAWS.**

The perpetuity of our government depends upon a free ballot and a fair count. Our elections should express the free and unbiased will of the voters. The average judgment of the people can be safely relied upon, and if it proves occasionally to be wrong, the mistake will be corrected at the earliest opportunity.

The enactment of the Australian ballot law was a very decided and advanced step in the right

direction, and has the unqualified approval of the majority of our people. It would be well to provide that the county central committees of the three parties receiving the highest number of votes at the last election be required to select the judges and clerks to which their party would be entitled, and place them in the hands of the mayors of the cities, or township trustees, at least 10 days before the day of election. This would place it beyond the power of any official to select inefficient men to act for any other party.

An amendment providing for a square at the top of the ticket, in which anyone who desired to vote the entire ticket could make a cross, would facilitate voting. It would also seem as though some inexpensive provision might be made by which the votes could be counted as they are cast, so that the result might be announced in a few minutes after the polls are closed.

## **COMMISSIONER OF ELECTIONS.**

The law providing for commissioners of elections should be repealed, and the mayor and council of the cities should have charge of the registration. The work can be better done, with far more satisfaction to all concerned, and at a much less cost.

## **CONCLUSION.**

In conclusion, I would say that I have unbounded confidence in the future of Kansas. As it has steadily advanced in the years that have passed, always true to its motto, constantly pressing forward and upward, so I believe it will continue to advance. It has vast hidden resources that will be developed in the future to add untold wealth to its present means; millions of acres of fertile soil which have as yet been untouched by the plow, inviting the honest yeoman from other states.

With proper encouragement, sturdy men can be induced to make their homes within its borders, and countless millions can be secured to develop its boundless resources. Then let every citizen of the state, without regard to his political affiliations, be loyal to its interests, and ever ready to defend its fair name.

## **E. N. MORRILL.**

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