

Walter Roscoe Stubbs

Message of Governor W. R. Stubbs to the Kansas Legislature, January 12, 1909

To the Legislature:

Under the provisions of our constitution it becomes the duty of the governor to make recommendations to the Legislature and communicate such information as he may deem proper with reference to conditions in the state. It therefore gives me very great pleasure to be able to state that Kansas is marching straight forward to her goal. The people are progressive, prosperous, well clothed, well fed, contented and happy; banks, bins and storehouses are full to overflowing, and our jails and poorhouses in many counties are empty. The products of the basic industry of our state, farming and stock-raising, together with the live stock on hand, were valued last year at 475 million dollars, which is double the value ten years ago.

The character and progress of our public schools will exert a greater influence in shaping the destiny of our state than any other one factor. It is, therefore, particularly gratifying to know that the State University, Agricultural College and Normal Schools have made phenomenal progress in practical, useful and scientific work, and have increased the number of students almost 100 per cent. within a period of five years.

The charitable institutions are well established on a humane and businesslike basis. They are managed more with a view of giving the helpless, sick and insane inmates skilful, scientific treatment, proper care and kind attention than on an economic basis, but in the end I believe these modern methods will prove the most economical.

The penal institutions have made splendid progress in the direction of fitting men for practical work after they are released from confinement, in place of the old methods of punishment, which appeals to me as more consistent with the principles of a Christian civilization.

Some of the best-informed men in Kansas, who are close students of political economy, have advised me that Kansas has made more progress in constructive, beneficial legislation during the past four years than any state in the Union. The old political methods that have prevailed generally throughout the country for a quarter of a century have practically all been abolished in Kansas, and the public business of our state has been established on a sound business basis in the interest of public welfare.

It is my hope that the present session of the Legislature will break all records in the enactment of good and useful laws, as compared with former sessions in Kansas and other states. The personal integrity and reputation of the members are involved in the obligations entered into with the citizens of Kansas to enact certain measures into law. These obligations must be redeemed in good faith and the laws enacted must be sound, useful and just, if the wisdom of your election to the legislature shall be justified by your work. Every member of this Legislature has an opportunity to render a great public service during the ensuing fifty days which will reflect credit upon himself and his family. The application of sound business methods to legislative pay-rolls and the general expense of the Legislature would be in striking contrast with the ordinary legislative session. The consideration of measures on their merits, regardless of politics, would result beneficially to the state. It would also be a novel proceeding to witness the members of the Kansas Legislature settling down to work six days in the week from the commencement to the

end of the session, forgetting every personal interest and being conscious only of their great public responsibility and the important work which has been entrusted to them by their neighbors, friends and citizens—all of whom will judge you by your works when you return home.

Yours is a position of high honor, but it is one also of solemn responsibility. You are dealing with a sacred subject—the well-being of a great commonwealth—and your work will affect our state and its people long after the authority conferred upon you shall have passed away.

PUBLIC UTILITIES.

Under the leadership of Governor Hughes in New York, and Governor LaFollette in Wisconsin, public-utilities laws have been enacted which have resulted in great practical benefits to the citizens of the above-named states. I most earnestly recommend the enactment of a public-utilities law in Kansas, using whatever may be used to advantage of the present railroad law as a basis and adding the best features of the New York and Wisconsin public-utilities laws, which have had a severe practical test.

This law should empower a commission to supervise not only the railroads, but all public utilities, including water, gas, electric light, heat, power, express, car, pipe-line, telegraph and telephone companies, and all other public-service utilities; also, have jurisdiction over the issue of stocks, bonds and securities of railway and all other public-utilities corporations; also, the power of determining whether public necessity and convenience demand the building of additional lines of railway, or additional water, gas and electric-light plants in communities where there is in operation a plant of similar character, under an indeterminate franchise; also, the power to ascertain the physical value of all public-utilities property within the borders of the state.

It should be charged with the duty of prescribing proper and uniform accounting methods and of requiring from all companies under its jurisdiction reports containing operating and financial and other data, including schedules of rates charged for the service rendered.

It should be charged with the enforcement of the law relating to hours of employment for railway employees; with power over railway terminals; power to require railroads to install telephone lines; to compel railroads to furnish connections with spurs running to industries; power to determine the value of public utilities, including street-railways, and in condemnation proceedings by municipalities under the public-utilities law; to enforce statutory regulation of wires and other overhead obstructions crossing railroad-tracks.

It should also have the power to secure all information pertaining to the cost of construction, maintenance, operation and transportation of supplies or service of any kind that is furnished to the public.

All this information is necessary for the purpose of establishing equitable rates and adequate service on all commodities; and any corporation which withholds information from this commission should not be permitted to use such suppressed information in court.

This commission should consist of five members, to be appointed by the governor and be subject to removal by him for cause. This law should also provide for the three railroad commissioners to be a part of this commission during the ensuing two years.

GOOD ROADS.

The Agricultural Department at Washington has compiled data from every civilized country showing that the bad condition of our public highways increases the cost of hauling American products to market more than 237 million dollars each year, as compared with the cost on highways like those maintained in France, Germany, England, and other countries. This means more than five million dollars loss in time and expense every year in Kansas; but the financial loss sustained because of bad roads is not the most important consideration. Good roads add to the comfort, convenience and pleasure of living, especially in the country. The value of land in a community is increased more by permanent improvement of roads than the cost of such roads. They facilitate the consolidation of country schools. Farm products may be hauled to market in good and bad weather.

Good roads cost money; so do barns, houses, carriages, farm machinery, and everything that goes to make up the comforts of life. It is not so important how much permanent road improvements will cost. If the added value of the improvement is largely in excess of its cost, then the expenditure is justified and desirable. It is really a permanent investment, bringing in good dividends.

We are spending more than a million dollars a year on the public highways of Kansas, without making a permanent improvements worthy of mention. If this amount of money was used in a scientific, businesslike way, and the work done regularly and systematically by men who are skilled in road-building, it would only require a few years to give Kansas a perfect system of public highways.

Kansas cannot construct public highways without an amendment to our constitution. But the state can provide laws authorizing each county to build and maintain permanent roads. A state law should provide:

1. A state engineer of public highways, who must be an experienced road-builder and a graduate of some reputable school of engineering.
2. A supervisor of public highways in each county, to be appointed by the county commissioners by and with the advice and consent of the state engineer. The county surveyor in many cases will have sufficient training and fitness for this place. The supervisor shall carry forward all work in the county under the direction of the state engineer.
3. Reliable data indicates that ninety per cent. of the traffic is carried over ten per cent. of the roads. A mandatory provision for drainage and grading of all these main-traveled roads, with regular, systematic work by King drags, or otherwise, to keep the surface smooth and drainage open, should be provided.
4. A majority of the voters in any regularly organized district, as provided for under such a law, should be authorized to vote bonds or taxes for permanent road-building, under the direction of the state engineer. All work should be let by contract.
5. All poll taxes should be paid in cash. The price of work should be approved by the state engineer of public highways and the county supervisor.
6. That seventy-five per cent. of all money collected from each road district shall be use to improve the roads within the said district.

The law relating to road districts recently repealed should be reenacted.

THE TAX LAW.

I urge your careful consideration of the recommendations of the State Tax Commission, and also recommend the following amendments to the state tax law:

That the State Tax Commission be elected by popular vote.

That the term of office of the State Tax Commission be for a period of two years.

The county assessor's office should be abolished in counties having less than 30,000 population and the county clerks should perform all duties of county assessors in said counties.

The assessors in cities and more populous counties should be elected by popular vote.

The tax levies should be limited by law and decreased to the full extent that the valuation of property has been increased under the new tax law, in county, city, township and school district. The new tax law provides for the assessment of all property at its true value, and the purpose of this law is to compel all personal and real property to bear its equal burden of the tax. With the State Tax Commission, county commissioners, and assessors in the cities and counties, all directly responsible to the voters and taxpayers for their nomination and election, the administration of the tax law should become more and more equitable and efficient.

BANKING LAWS.

The present banking law is one of the very best state laws in the Union and the state banks of Kansas are worthy of the confidence of the people. Prompted by the suggestions of experience, however, and to further strengthen the banking law and the state banking system I recommend the enactment of a savings-bank law which shall provide for the creation of banks for savings deposits only, prohibiting the transaction of commercial business, and limiting the investment of its funds to such securities as are usually dealt in by savings-banks.

I recommend an amendment to the banking law providing that no bank shall receive deposits in excess of ten times the amount of its capital stock and surplus. The law should also provide that no bank or trust company shall make any loans in excess of \$500, directly or indirectly, to its president, vice-president, cashier, assistant cashier, secretary, treasurer, or majority stockholder, or to any corporation, firm or partnership in which these officers are financially interested, and prescribe appropriate penalties for its violation.

A director or officer of a bank should have at least \$500 stock, free from pledge or hypothecation, and the sale or encumbrance of such stock should of itself terminate his official connection with the bank as fully as if his resignation had been tendered and accepted, and any further intermeddling with the bank's affairs as an officer, or director, by him should be a misdemeanor under a severe penalty.

Every stockholder should be required to make under oath an annual statement for publication showing whether or not he has sufficient property free of exemptions and encumbrances to make good his double liability as a stockholder in case his bank should fail.

Any commissioner, assistant commissioner, or deputy, who shall permit the violation of any of the banking laws of this state for a period of ninety days, by any bank doing business under such laws, should be guilty of a misdemeanor and be punished by fine and imprisonment.

Bank directors should be compelled by law to give personal attention to the duties of their office, with proper penalties prescribed for neglect or violation thereof.

CORPORATION LAW.

The present corporation law seems to provide that when a corporation abuses its power a receiver shall be appointed for the purpose of winding up its affairs and disposing of the corporate property. This is often too drastic. The law should be amended so as to provide for receivers to correct corporate abuses, and when corrected to hand back the corporate property, without dissolving the corporation, into the hands of its owners and managers, subject to the supervision of the court. This amendment should be supplementary to the present law, so that either judgment may be pronounced at the discretion of the court.

CITY COMMISSION GOVERNMENT.

The present enabling act authorizing cities of the first and second class to adopt the commission form of government should be amended in a few material particulars to make the plan when adopted more efficient in operation. I recommend the following amendments:

1st. That the law provide that women be given the right of suffrage on the question of the adoption of the plan.

2d. It should also provide for the compulsory referendum of franchise ordinances.

3d. It should also provide for the initiative and referendum in the passage of ordinances, and the recall of the commissioners by petition.

4th. It should also provide that after a trial of more than six years a proposition to abolish the commission plan could be submitted to the voters by petition.

5th. It should provide for the non-partisan nomination and election of commissioners.

Those who have observed the successful operation of the plan believe also that the city schools should be brought under the commission.

These amendments have already been incorporated in the laws of Iowa and Massachusetts with satisfactory results.

BANK GUARANTY.

Ten years ago Governor Stanley made the following recommendation to the Legislature with reference to bank deposits:

"The bank commissioner recommends the creation of a guarantee fund for the protection of bank depositors. No one thing connected with the business of banking would be more desirable than some provision securing the safety of depositors. the plan proposed is new; it may be practical. I commend it to you careful consideration."

This question has been continuously discussed until during the last campaign both political parties in Kansas pledged themselves to enact such a measure into law, and the members of this Legislature are in honor bound to carry out in good faith their platform pledges on this subject.

PASSENGER RATES AND FREE TRANSPORTATION.

The present passenger-rate law is a humbug. A flat two-cent rate should be substituted therefor. The anti-pass law should be entirely rewritten limiting free transportation to bona fide railroad employees and their families and excluding all others. Perhaps this is the only sort of anti-pass law which the courts will permit to stand as constitutional.

ANTI-LOBBY.

It will greatly aid your deliberations during the present session of the Legislature if an anti-lobby law is enacted at once and made effective upon publication in the official state paper. I see no good reason why this law should not be operative during the first week of the present legislative session, and rid the legislative halls of these officious obstructionists.

LIQUOR LEGISLATION.

I approve the recommendations of the attorney-general that the law authorizing the county attorneys to hold inquisitions pertaining to unlawful sales of intoxicating liquors should be reenacted. It is also a wise suggestion that the persistent violator of the prohibitory law should be dealt with as a felon. For the first offense the criminal may be dealt with according to the judgment of the court; for the second, or for violating his parole, he should suffer the maximum penalty under the present law; for a third offense, he should be sent to the penitentiary, for the protection of society.

The present system of issuing permits for the sale of intoxicants should be abolished and the granting of permits vested in the State Board of Health.

I recommend that whenever it becomes necessary to appoint an assistant attorney-general in any county in this state, the pay of the county attorney shall cease during such time as it is necessary for the attorney-general to act.

SCHOOL LAW.

I recommend to your careful attention the report of the Kansas Educational Commission. This report covers the needed school legislation comprehensively. A similar commission should be authorized by law to revise, rewrite and codify the school laws and report thereon to the next session of the Legislature. But some of the more important needs of the schools cannot wait. These are state aid for weak districts, longer minimum terms, consolidation of schools, a more equitable distribution of railroad taxes, and a practical method of saving to the school-fund the estates of persons dying without heir or will.

The study of the elements of agriculture and domestic science should be stimulated; regulations should be prescribed for the construction of schoolhouses, with particular reference to sanitation and fire protection. Fire-drills should be compulsory. A system of state inspection should be devised so that the state superintendent could have closer supervision of county superintendents and rural schools. The county superintendent's office should be non-partisan. To effect this, party nominations for that office should be abolished and each qualified aspirant should run as an independent.

Electors residing in cities of the first and second classes should not be permitted to vote for county superintendents of the counties in which such cities are situated.

A minimum salary should be prescribed for teachers, and some method of making it an

inducement to competent teachers to remain in the profession as their life-work should be devised. There is also a demand for liberal support for the bureau of animal industry at the Agricultural College.

The schools for colored youth at Quindaro and Topeka are especially worthy of your concern. They are doing a noble work in practical instruction, not alone in scholastic training, but in the industrial and mechanic arts. They train the colored youth to become efficient wage-workers and thus to become self-reliant, useful citizens of the state.

The great institutions of higher learning will require a continuance of the same liberal treatment which the Legislature has accorded them for the past few years. Their especial needs will be submitted to you by the managing boards or by the executive heads of these institutions at your convenience.

SCHOOL-BOOKS.

The unsatisfactory condition under which we secure our text-books for the public schools has given just cause for agitation for state publication of these books. There is no doubt whatever that the labor and mechanical work can be done better in Kansas than elsewhere, but the question of securing manuscripts of the right quality and character is really the vital issue involved.

I recommend the appointment of an honorary commission, to serve without pay, to make an exhaustive investigation of the question of securing manuscripts of the highest quality and character. Until this matter has been determined by competent judges the enactment of a law providing for state publication of school-books appears to me like a leap in the dark, involving the most vital interests of our state. An appropriation, not to exceed \$2000, should be made to be used by this commission to employ a stenographer, whose office shall be in the state-house, and to defray actual expenses and to advertise in all necessary school journals for manuscripts and enable the commission to communicate with persons who are in a position to furnish such manuscripts, and determine the cost and character of manuscripts available for this purpose. This commission should report to the governor its findings and recommendations from time to time as convenience and experience dictate.

LABOR LAWS.

The labor organizations have many good suggestions which they will present to your legislative committees, and their wants and needs should receive your consideration. I especially recommend an extension of the laws restricting child labor and the enactment of an employer's liability law. Such a law should be drawn along the lines of federal legislation on the same subject, and I think it would be only just to provide that if injured persons, or their representatives, mistook their remedy on the technical question as to whether the federal or state court should afford them relief, the statute of limitations should not run until that question was determined.

THE PRIMARY-ELECTION LAW.

The operation of the primary-election law has developed certain details which may require slight amendments, but great caution should be exercised to see that the real principle of that law is not affected, and that no unconstitutional tinkering with the law is permitted. The primary-election

law has been the most important triumph for the preservation of popular government which this generation has witnessed. There is no good measure which can long be denied to the people while this effective law is on the statute-books. It brings back to the people absolutely the right to make and unmake their public servants.

PURE FOOD.

The proper value of the food and drugs law to the consumers of Kansas cannot be estimated or measured by the half million dollars which has been saved through the enforcement of this act. The improved sanitary conditions and character of food products are so marked as to cause most favorable comment throughout the state. I recommend that the inspectors force of the Board of Health be increased and their authority extended.

TUBERCULOSIS.

Upward of one million dollars has been expended in America during the last year in an organized effort to check the progress and stamp out, if possible, the great white plague. Statistics furnished by the State Board of Health indicate that there are more than 5000 cases of tuberculosis in Kansas. This disease is infectious and may be communicated from the sick to the well. The infection and spread of tuberculosis can be prevented by proper hygienic and sanitary measures. I recommend that the State Board of Health be provided with sufficient means to make a state-wide campaign for the purpose of holding public meetings in every city, village and hamlet in Kansas to give the people instruction in the best methods of protecting themselves against this dread disease.

FORESTRY.

The free distribution of trees at the Ogallah and Dodge City Forestry Stations should be discontinued. Like most gifts at public expense, the trees given away have been neglected and the forester reports very few of them are growing. The money spent in raising trees to be given away could be used to good advantage in experimentation and in showing how and what forest trees may be successfully cultivated and grown on our western plains. The time has come to take hold of forestry development in Kansas in a practical way. I recommend one state forester who is a graduate of some reputable agricultural school and who has taken a special course in forestry and is up-to-date in the practical work of tree-planting in this part of the country, with a salary of \$2000 per annum, and an assistant with a salary of \$1200 per annum. The state forester should give lectures at farmers' institutes and prepare and distribute bulletins pertaining to tree culture; and, in general, his work should be along the lines so successfully followed by the experimental departments of the State Agricultural College.

COURT DELAYS.

The State Bar Association has prepared a new and revised code of civil procedure designed to speed court litigation. Able lawyers have freely given their time to this work. It merits your careful attention. The one great reform in court procedure is to abolish vexatious and costly delays. Some states withhold the salaries of judges who delay decisions beyond a limited time.

Kansas can make no mistake by doing likewise. Appeals on technical errors, which are not material or prejudicial, should be prohibited by law, and appeals on technicalities which the supreme court decide have no merit should subject the appellant to substantial cost.

REAPPORTIONMENT.

I recommend a reapportionment of the legislative districts of Kansas providing that each county entitled to representation under the constitution shall be represented.

DERELICT OFFICERS.

Some state laws provide for the recall of derelict or incompetent officers. The evil aimed at is serious, but the remedy seems cumbersome and expensive. The same result can be much more speedily accomplished by authorizing the removal of such undesirable public servants by a civil action such as is now the law relating to the removal of mayors and other officials for non-enforcement of the prohibitory law.

CONSOLIDATION OF BOARDS.

The business management of the Penitentiary and Hutchinson Reformatory should be vested in the Board of Control. This is only in line with sound business methods in vogue in other progressive states like our own.

STATE DEBT.

The state school-fund holds the bonds representing the state debt. The investments of the present sinking-fund should be sold at once and the proceeds applied to the liquidation of the debt, and the whole debt paid within a reasonable time.

REFERENCE LIBRARY BUREAU.

Legislators frequently find it difficult to obtain reliable information relating to laws, statistics and governmental affairs. The drafting of bills is often a serious matter to industrious but inexperienced lawmakers. A reference library bureau has been established in some states for this purpose and for the dissemination of useful information to students of political economy both in and out of the Legislature. I advise the enactment of such a law.

OIL INSPECTION.

I recommend that the offices of the five deputy oil inspectors, who receive salary and expenses amounting to \$100 per month, be abolished. I am advised that these officers are not necessary to the proper transaction of the business connected with that department.

CAMPAIGN EXPENSES.

I recommend the enactment of a law requiring the publication of receipts and expenditures of all moneys used for campaign purposes, with appropriate penalties for its violation.

OMNIBUSSING

I need hardly say that the practice of omnibussing legislative bills is absolutely forbidden by our state constitution, and only the rule of law forbidding the impeachment of legislative journals has permitted such legislation to stand, but the practice has allowed many questionable bills to slip through the Legislature without careful scrutiny, and I urge you to abolish this most vicious practice.

SPECIAL LEGISLATION.

I urge upon you the utter futility of most of the characteristic special legislation which heretofore has occupied so much valuable time in the Legislature. I am advised by able lawyers that nearly all of it is unconstitutional since the amendment of 1906 and by the unanimous decisions of the supreme court. The limited duration of the session gives no time to waste on enactments which the courts will not and cannot recognize as valid laws.

ECONOMY.

In time of prosperity the tendency is towards extravagance in public as well as private affairs. This tendency should be repressed. Kansas has ample means for every wise and necessary purpose but not one cent to waste or squander. You will be besieged by political hangers-on for petty places around the Legislature where the pay is good and the work is naught. The Legislature of 1905 took determined ground to rid the pay-roll of all useless employees. I doubt not you can do still better, without the least impairment of legislative efficiency. The money which you appropriate belongs to the Kansas taxpayers and you should watch its expenditure as carefully as prudent men watch their own expenditures.

A majority of your number were elected upon specific pledges to enact certain legislation. Such pledges should be redeemed as faithfully as are personal obligations by honorable men in their own private affairs. Most of the proposed measures are bound to appeal to the patriotism and intelligence of the minority as well. In all that you may plan for the upbuilding of Kansas, I pledge you my hearty cooperation.

Respectfully submitted.

W. R. STUBBS,

Governor.

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