

G.W. Glick

BIENNIAL MESSAGE OF G. W. GLICK, GOVERNOR, TO THE LEGISLATURE OF KANSAS, 1883.

GOVERNOR'S MESSAGE.

To the Legislature:

In obedience to a constitutional requirement and a time-honored custom, it is made my duty to address you, and submit such facts, reports and recommendations for your consideration and action as may be important to the State, and furnish you such information as may aid you in the faithful and intelligent discharge of your duties, so that you may perform them with fidelity to your constituents and credit to yourselves.

An abundant harvest has rewarded the husbandman for his labor, the stock interests of the State have been prosperous and remunerative, while labor has been fairly rewarded. All business has been reasonably productive, while the material wealth of the State has steadily and fairly increased, and demonstrates in an eminent and satisfactory manner that our State, while yet in its infancy, is capable of a development that will surprise the thoughtless and create wonder and admiration in the minds of those who can appreciate the grand development of the past, and contemplate its capabilities for the future.

The Secretary of the State Board of Agriculture shows in his report that our wheat crop was over 35,000,000 bushels, worth over \$24,000,000, and over 157,000,000 bushels of corn, worth nearly \$53,000,000, with a value of our cereal crops alone of over \$83,000,000, and a total value of all farm products of \$108,177,520.93, while our livestock interests represent a cash value of \$83,874,530, making a showing of the capabilities of our young State that we can all rejoice at. A State not a quarter of a century old that can give such evidence of its capabilities, and such enterprise and industry on the part of her citizens, can well challenge the admiration of mankind, and assure the seekers after new homes that Kansas has room enough, and can take care of all who may avail themselves of her inexhaustible resources. Those seeking new homes will find a soil of unsurpassed fertility, a climate equal to any for salubrity and healthfulness, with school houses and churches dotting our beautiful prairies, and a brave, generous and hospitable people, who will welcome them to cheerful, happy homes within her borders.

EXECUTIVE MESSAGE.

The Constitution of our State makes it incumbent upon the Executive at the commencement of every session to communicate, in writing, such information as he may possess in reference to the condition of the State, and recommend such measures as he may deem expedient. I consider this duty, under the present system of biennial sessions, would be proper, and more satisfactory to the Legislature, were it performed by the outgoing Executive, as all the transactions of the Government are familiar to him, and he a part of them and an important factor in them. The incoming Administration labors under great difficulty in endeavoring to perform this duty satisfactorily to you and beneficially to the State. The inability of any one to make himself entirely familiar with all the various affairs of State, its educational, charitable, reformatory and penitive institutions, in the short time intervening between the election and the time for entering

upon the discharge of the duties of the executive office, will be apparent to any one who will give the matter a moment's reflection.

When the sessions of your body were annual, this system was less objectionable, and could be, at the second session after the election of the Executive, performed satisfactorily and beneficially for you and the State. But now, with our biennial sessions, the transactions for two years must necessarily be covered by the communication required, and that often by an incumbent who has no personal acquaintance with the transactions which should be reported to you. A large number of reports have to be examined, the financial affairs of the State investigated and epitomized, and a mass of information prepared in so short a time that exact certainty is almost impossible, while mistakes in statements are liable to occur, and many may have crept into this communication. I would therefore respectfully suggest for your consideration the advisability of providing by law for the retiring Executive to submit to the Legislature a message, making a report of the transactions of the Government during his official terms.

STATE FINANCES.

The cash in the treasury at the close of the fiscal year amounted to \$644,323.76, belonging to the several funds, as follows:

General revenue	\$215,188.22
Capitol extension	\$5,882.23
Sinking fund	\$21,714.87
Interest fund	\$74,881.22
Permanent school fund	\$187,769.95
Annual school fund	\$103,726.00
Normal school permanent fund	\$8,578.71
Normal school interest fund	\$1,458.07
University permanent fund	\$10,695.82
University interest fund	\$6,767.99
Railroad fund	\$7,388.60
Military fund	\$272.08
Total	\$644,323.76

The general revenue, as provided for by the taxes for the year 1881, is ample to pay the current expenses of the State, together with the expenses of the Legislature, leaving the amount to be paid by county treasurers on taxes of 1882 to apply on present and future appropriations.

STATE DEBIT.

In addition to the cash in the treasury, the sinking fund contains United States bonds and State bonds to the amount of \$218,125. The State debt falling due in July next amounts to \$61,800, \$32,400 of which is now in the sinking fund, \$16,000 is held by the permanent school fund, \$800 by the United State University fund, \$3,700 by the State Normal School fund, and \$8,900 by individuals. On the 1st of July, 1884, \$189,675 falls due, and of this amount \$2,125 is held by the sinking fund, \$47,425 by the permanent school fund, and \$140,125 by individuals. The income to the sinking funds from interest on investments and from the present rate of taxation, will be ample to meet these obligations.

The next bonds fall due on the 1st day of July, 1886, at which date \$100,000 mature; these, however, can be provided for by the Legislature of 1885.

The present rate of taxation of 4-10ths of one mill on the dollar, to pay interest on the bonded debt, will provide sufficient to meet all liabilities.

PERMANENT SCHOOL FUND.

The permanent school fund, in addition to the \$187,769 in cash in the treasury at the close of the fiscal year, contained \$2,280,121.07 in United States, State and school-district bonds. This fund is rapidly increasing, and further legislation will be necessary to provide for its judicious investment. For the past four years a tax of one-half mill on the dollar has been annually levied for the purpose of building the State Capitol building. I would suggest that this tax be discontinued, and that authority be given to borrow, from time to time, as it may be deemed necessary to successfully carry on the work, from the uninvested school fund, paying interest thereon at the rate of four per cent. per annum.

It might also be well for you to inquire whether the surplus could not be used to advantage by investing it in county refunding bonds. Many counties have issued bonds that are now, or soon will be, maturing, who may wish to extend the time of payment, or redeem outstanding bonds by refunding; and it might be mutually advantageous to both the State and the counties to invest in such securities at the low rate of four per cent. interest.

The educational interests of the State demand that this fund should be judiciously invested. This cannot be done under the existing law, for the reason that funds accumulate more rapidly than the securities authorized are offered. There may be some objection made to this plan, but, in my judgment, no valid reason can be given why this should not be done. No better security can be offered for this investment than the faith of the State of Kansas and its counties, and none more profitable to the citizens of the State; then why should this direct tax upon the people be continued, when money is lying idle in the treasury? The amount subject to investment by the close of January next will not be less than \$350,000.

ANNUAL SCHOOL FUND.

The Legislature of 1879 discontinued the levy of a direct tax for school purposes; hence, since that date, the income of this fund has been derived wholly from the interest upon the invested permanent school fund, including interest on the unpaid principal of school lands sold, and the fifty-dollar tax on foreign insurance companies doing business in the State. This income, from June 30, 1880, to June 30, 1882, amounted to the sum of \$542,928.70, to which should be added

the balance in the treasury July 1, 1880, \$116,100.48, making in all \$659,029.19. The disbursements during the same period were \$558,076.18, leaving a balance on hand July 1, 1882, of \$100,953.01. The sum collected by the several school districts of the State, by direct taxation for educational purposes, during the same period, amounted to \$2,791,825.85, making the total amount expended for the support of common schools in that time of \$3,350,002.03--a sum greater per capita, in proportion to population and wealth, than any other State in the Union. When it is considered that the direct taxes, above stated are levied by the citizens themselves, at public meetings held in the several school districts, each separate and apart from the other, every Kansan may feel proud of the interest taken in the education of the rising generation.

STATE UNIVERSITY PERMANENT FUND.

This fund at the close of the fiscal year amounted to \$48,723.59, of which \$10,690.82 was cash in the treasury, and \$58,027.17 in State and school-district bonds. The income from the invested fund, together with the interest on the unpaid principal of University bonds sold, for the two years ending June 30, 1882, amounted to \$12,106.05, to which should be added the balance of the interest fund in the treasury July 1, 1882, viz., \$518, making a sum total of \$12,624.05. Of this amount, there has been drawn from the treasury during that period the sum of \$5,851.05, leaving a balance on hand to the credit of the State University interest fund on July 1, 1882, of \$6,767.99. The direct appropriations made by the Legislature for the support of this institution for the two years amounted to the sum of \$64,000.12. Of this amount, \$63,826.79 has been drawn from the treasury, to which should be added the sum of \$5,851.06 interest fund expended, making a total of \$69,697.85.

STATE NORMAL SCHOOL FUND.

The permanent fund of this institution at the close of the fiscal year, June 30, 1882, amounted to \$35,073.71, \$26,475 of which is invested in bonds of the State of Kansas, and school-district bonds. The balance of \$8,578.71 is cash in the treasury. The income to this fund from July 1, 1880, to June 30, 1882, amounted to the sum of \$20,308.07, and is derived from the interest on bonds, and also interest the unpaid principal of sales of Normal School land. The expenditures during the same period amounted to \$18,850. No appropriations were made by the Legislature for the support of this school, other than the interest derived from the sources above stated.

STATE AGRICULTURAL COLLEGE.

The appropriations made by the Legislature to this institution for two years ending June 30, 1882, amounted to the sum of \$36,729.00, the full amount of which has been drawn from the treasury. Of this amount, \$17,979.09 was paid for the purpose of restoring the endowment and the income funds, the balance for the buildings and experiments. I have no information as to the receipts derived from its invested fund, or from interest on unpaid principal from sales of land. None of these funds come into the State treasury. Neither have I any information relative to the expenditures, other than the amounts appropriated by the Legislature.

AGRICULTURAL COLLEGE FUNDS.

I deem it important that the present system of management of the funds and securities of the Agricultural College should be changed.

As the law stands, all the funds of the institution, including interest-bearing securities amounting to several hundred thousand dollars and constantly increasing, are held by the Treasurer of the Board of Regents, instead of by the Treasurer of State, as was the case prior to 1871, when they were under control of State officers. This state of things is exceptional. The endowment funds of the State University are paid over directly to the State Treasurer, and he, with other officers, is directed to invest them; and there can be no valid reason why this same wise and prudent policy should not be adopted in the case of the Agricultural College.

All public funds should be under the control of the State, where it is easy to fix responsibility and to secure a more faithful administration of them than when scattered over the State, and their management entrusted to so many hands. The concentration of financial management and control in the hands of the trusted officials of the State, lessens the temptation to abuse trusts, and reduces the risk of loss. Where the funds of the College, for instance, are in the hands of a business man, as must be the case where they are entrusted to a local treasurer, there is a constant temptation to maintain large balances in cash, of funds which ought to be invested and become productive. The lodgment in the hands of a local treasurer, who is engaged in business, of a large amount of interest-bearing bonds and securities, subjects them to the danger of being pledged, in case of financial straits, as collateral for private uses. The importance of placing the funds of this important institution where they will remain secure and protected from possible loss, is a matter to which I ask your serious attention. The loss of the funds of another institution should be admonish you of the danger of placing the funds of any institution in any hands outside the State treasury.

PENITENTIARY.

You will have laid on your desks the report of the Directors and Warden of the Penitentiary, giving a detailed statement of its operations for the past two years, which makes a very favorable showing for the management of the institution. The Warden, in his report to the Board of Directors, makes the following financial showing:

Total cash earnings	\$89,543.94
Coal furnished State institutions	\$12,691.31
Improvements and buildings only	\$18,467.25
Making a total earnings of	\$120,702.50
Total expenditures for all purposes	\$120,045.99
Leaving a balance for 1882 in favor of the prison, over all expenditures, of	\$656.51

This is a favorable showing for the operations of the Penitentiary, and the Directors and Warden are entitled to great credit for the business-like, economical, and profitable manner in which the

affairs of the institution have been managed. After a careful and personal inspection of the workings of the institution, and an examination into its management, I am well satisfied that the compensation of some of the employes[sic] should be increased, and graded so that long and faithful service should be rewarded by a recognition of such services by increased compensation. This will make men better satisfied with their employment, more faithful in the discharge of their daily duty of fourteen hours per day, and seven days to the week, and aid in keeping faithful and competent men in the employ of the institution.

VETERINARY SURGEON.

The live-stock interests of our State are of vast importance, and are becoming more important and valuable yearly, and in the near future will constitute the foundation of more real prosperity and wealth than perhaps any one other interest.

We have all the advantages that render stock raising profitable, and the interest is rapidly growing into vast proportions, and laying the foundation for a solid and enduring prosperity in our State that will place it in the front rank of meat-producing countries in the world, and will bring more money into the State than any other industry that can be established within our borders.

I learn from the office of the Secretary of our State Board of Agriculture, that at the present time there are in our State 1,404,488 head of neat cattle, valued at \$49,192,408; swine, 1,228,683 head, valued at \$12,286,830; sheep, 980,767 head, and valued at \$2,942,301. This vast number of meat-producing animals is not a tithe of what our State is capable of producing. This interest is capable of being increased to such vast proportions, and of being the foundation of so much wealth and prosperity, that it is important that it should have whatever legislative encouragement and protection that can be given to it, so that it shall be protected against destruction by contagious, epizootic, or other infectious diseases, that come silently and unexpectedly and without warning, and that may lay waste to the flocks and herds of the State, and destroy millions of dollars' worth of property, with no power to stay the stream of devastation. This vast wealth-producing factor in our State is not affected materially by floods or drouth, or the capricious contingencies of sun or sky, and hence is certain in its reward to him who thus adds wealth to the State and furnishes meat for the markets of the world, and thus supplies money for our people when cereal crops fail. It is not, therefore, too much for the stock-raisers of the State to ask that an industry of such vast capabilities, and worth so many millions of money to the State, should have some protection against the dangerous and destructive diseases that may lay waste to so much valuable property. I would therefore recommend that you provide by law for the appointment of a State Veterinarian in connection with the State Board of Agriculture, who shall be charged with the duty of looking after, and aiding the people in protecting, the live stock against contagious diseases, warning them of their approach and directing what remedies to use, and the proper sanitary methods to adopt as a means of warding off and protecting the live stock of the State against the introduction and spreading of dangerous diseases--a precaution rendered more important on account of the law allowing cattle to roam unrestrained in the State and thus more rapidly and effectually spreading destructive diseases among them.

INSANE PERSONS.

There are about 140 insane persons in the State who cannot be cared for in the Asylums for the Insane. These unfortunate persons invoke our sympathy, and humanity appeals loudly in their favor, and asks that something be done to ameliorate their unfortunate condition, and place them where they can have proper care and receive that kind treatment that humanity dictates. Some of them are confined in jails, others in the asylums for the poor, while others are kept by individuals; but none of them can have, and perhaps do not get, the treatment and good care they should have. It is therefore important that the capacity of asylums should be increased, so that proper care can be meted out to this unfortunate class.

DEATH PENALTY.

The law fixing death penalty should be amended. As it now stands, it is left discretionary with the Executive to issue his warrant to carry out the sentence of the court. No one is willing to exercise discretionary power in a case of life and death, while any Executive would obey the law and issue the warrant in such cases, were it mandatory. The warrant then would issue as a matter of course, and the law, and not the Executive, would be responsible for its effect. Though I am clearly of the opinion that the court that renders the judgement and fixes the penalty of the law should provide for carrying into execution the sentence, I am aware that there is a divided sentiment as to whether or not the death penalty should be invoked in cases of murder. But this is no excuse for leaving the law in its present unsatisfactory condition, as our manhood dictates that the death penalty should be executed in a reasonable time after sentence, or that the horrors of an anticipated hanging should be ended by a sentence of imprisonment for life. The person who now commits the crime of murder, with all its attendant horrors, is on an equality with the criminal who steals but twenty dollars, and is free to murder his keeper, or the warden of the prison, with the assurance that a score of murders does not increase his punishment. There are now in the penitentiary about twenty-five persons who are under the sentence of death, who have all the kindly treatment, and the benefits of all rules, and the laws made to ameliorate the sad condition of prison life, while the victims of their crime sleep in death, and the relatives of the deceased are taxed to feed and clothe[sic] the ones who robbed the wife of a husband, and the children of a father. The existing law is simply an evasion of a plain, manly duty, and should be amended at once; though not made retroactive in its operations, it should be certain as to the murders committed in the future.

THE DISTRICT COURTS.

The business in the districts courts has increased to such an extent, and the districts are so large, that in most of them the judges are unable to transact the business, and dispose of cases in a reasonable time. While the judges, as a class, are able, industrious and earnest in their efforts to expedite business, the accumulation of cases in the last few years has made it impossible for them to discharge their important duties with justice to litigants or to the interests of the public. Cases commenced are delayed from term to term for want of time for trial, till in some counties it amounts almost to a denial of justice. This delay and postponement entails officers' cost and witness fees, term after term, until witnesses remove from the jurisdiction of the courts, compelling parties to incur large expense to obtain evidence by depositions that could have been had, had the courts been able to dispose of cases in a reasonable time, thus defeating justice, or defeating a poor litigant by forcing him out of court on account of his inability to meet the

accumulated cost of this continuous delay.

While it may be claimed that this delay is not at the expense of the public, the argument is only specious. It is a charge or indirect tax on those who have to invoke the authority of the courts to vindicate their rights, or to protect their persons from wrong, or their property from spoliation, and is a cruel and monstrous wrong when persons are charged with crime and delayed in vindicating their innocence or losing their evidence by this delay, or lying long seasons in jail while not able to give bond; thus violating the principle of our Constitution which declares that all persons shall have remedy by due course of law, and justice administered without delay. The expense of the courts, the increase of the fees of witnesses, boarding prisoners in jail, and juries, amount to more annually in some counties, at each term, than twice the salary of the judge who holds the court.

A remedy for this difficulty should be provided without delay, and I therefore recommend that the Legislature redistrict or remodel the judicial districts so that the work in each may be equalized, that business of the courts may be disposed of with less delay than at present. But I am satisfied this plan would only produce temporary relief, as most of the districts are now so large that reducing them a third or a half would not furnish the relief required or needed, and that the only sure and practicable remedy for the difficulty surrounding the administration of the laws is the creation of at least three more judicial districts, in addition to equalizing the territory and business of the present ones.

This is a matter of serious concern, and it is to be hoped that the present session of the Legislature will witness the inauguration of measures for immediate relief. In this connection it is also important to inquire whether such legislation should not be had as to prevent the encumbering of the dockets of the district courts with petty appeals from justice courts, which is a means resorted to by unsuccessful litigants to obtain delay that is assured to them by the crowded condition of the dockets of the courts.

THE JUDICIARY.

The framers of the Constitution have taken special care to secure, as far as they could, an honest, faithful and impartial judiciary. In defining the limitation upon the political ambitions of justices of the supreme, and judges of the district courts, section 13 of article 3 of the Constitution provides that: "Such justices or judges shall receive no fees or perquisites, nor hold any other office of profit or trust under the the State or United States, during the term of office for which said justices and judges shall be elected," etc.

In the case of the State, ex rel. Watson, vs. Cobb, 2d Kas. Rep., 32, the court gives a construction of this clause of the Constitution. On page 50, the court says: "The object sought to be accomplished by these provisions is, that our high judicial officers may be removed as far as possible from the temptation to use the power and influence of their positions and authority for their own advancement; to prevent their minds from being distracted from their legitimate duties by ambitious hopes and struggles for preferment; to raise them above those political and partisan contests so unbecoming the desired purity, impartiality and calmness of the judicial character." The Supreme Court, in giving this construction, have voiced the sentiment and feeling of the people, as well as given the true meaning of its terms. The intention of the Constitution is, that the judge shall be divorced from politics, and that his office shall not be used as a stepping-stone to other offices. It means the office, the judge and court shall be taken out of the arena of politics, and the character of the judge placed above reproach and his honesty beyond question. When we

reflect that such a vast number of the decisions of the judge are in matters of discretion, it is of the utmost importance that they should be believed to have been made honestly and fairly. If a judge is a candidate for office, or engaged in electioneering, the lawyer or litigant against whom a ruling is made on matters in the discretion of the court or judge will regard it as partisan and corrupt. Even, in such cases, if a judge makes an honest and impartial ruling, he does not get credit for it, and the attorney or party against whom the decision was rendered will insist that it was dishonest and partial; and it is therefore more important that the conduct of the judge should be above reproach, and the court believed to be in fact the sanctuary of justice, so as to secure the confidence of the people.

In our State, having an elective judiciary, this necessarily must occur with judges who are candidates for reelection to judicial offices, but the reasons are a thousand fold more strong when another than a judicial office is sought by a judge. While it is true that many decisions of the judge may be reviewed, it is also true as a general rule that matters of discretion are not a subject of review, except when the discretion is abused. But it is a difficult matter, and often impossible, to show an abuse of discretion even in flagrant cases. Years ago, while in the practice of the law, I have seen the discretionary power of a judge often exerted wrongfully, willfully, in favor of the lawyer or litigant, and even jurors who were understood to be factors in a prospective caucus or political convention, and I can feel the necessity and importance of placing our judiciary on a plane where it will be above reproach, and beyond criticism, so that a party who invokes the law in his favor can feel that while a decision is made against him, it is an honest one, and not dictated by favoritism or partiality to a political supporter. The security of life, the title to property, and the vindication of character, are each so dependent on an honest, upright and impartial judiciary, that above all else its integrity, honesty and impartiality should be preserved. For the purpose of securing the advantages of a pure judicial system, as contemplated by the Constitution, and securing the confidence and support of the people, it is important that this end should be secured by such legislation as will effectually keep the judiciary and the courts above reproach. To this end, I deem it a matter of the highest importance that you provide by law that all ballots cast for a person holding the office of judge be declared absolutely void (except for a judicial office); that such vote shall not be canvassed, and that no certificate of election shall be issued by any board of canvassers to any person holding a judicial office, except the one expected by the Constitution.

REPORTS.

The biennial reports of the various State officers--Regents of the educational institutions, Superintendent of Insurance, Penitentiary, and State charitable institutions--will be submitted to you for examination and information. It would be tedious to attempt a synopsis of their contents, without any real benefit to you, and no epitome would convey to your minds the information and recommendations submitted for your consideration as well as a careful examination made for yourselves.

STATE LANDS.

Under the present system of selling the State lands, unnecessary and useless expenditures are incurred. The expense of selling the school lands is largely in excess of what it ought to be under proper legislation. Every organized county, under the present system, has its separate officer to

audit and allow these expenses; and this officer, under the law, is authorized to draw his orders on the county treasurer for the payment of these expenses, out of the proceeds of the sales of such school lands.

It is shown by the records in the office of the Auditor of State that the expenses of the sale, and the collections on sales, of the common school lands, Agricultural College lands, Normal School lands, and State University lands, for the last biennial period were \$37,778.32. Auditor Bonebrake, who has given the matter much thought and careful investigation, in his biennial report for the year 1880 says: "A land commissioner, at a salary of \$2,000 per year, with clerk hire of \$3,000, and a contingent fund of \$2,000, could do the work of the department," thus making a biennial saving of about \$22,000--a sum that should be saved to our educational fund. It will also be recollected that already there has been a direct known loss to the school funds by the defalcations of county treasurers of \$37,000, and to the funds of the Emporia Normal School of \$10,000. The losses and defalcations are liable to continue; and with our present lax system of management, with no definite means of ascertaining, at any time, the condition of the sales of the school lands, or the funds arising therefrom, these defalcations may largely increase in the future, and make serious inroads on our means of maintaining our present magnificent school system. The importance of the interest involved; the security of our school funds; the economizing in the expense of their sale, with a like interest in our State educational institutions, all admonish us of the importance of taking some immediate action for their safety and control.

I concur in the views and opinions expressed upon this subject by my predecessors, Governors Anthony and St. John, that the present laws governing the sale of all State lands should be revised. A law creating the office of land commissioner, to have sole charge of the sales of all State lands, should be enacted, and all payments, both of principal and interest, should be paid by the purchaser directly into the State treasury.

COUNTY ASSESSOR.

The present system of appraising or valuing real estate for taxation is very defective. This work is performed by township trustees and city assessors, and thus in many counties there are a dozen or more persons engaged who have different ideas on the subject of values; some interested in reducing them; while others may be giving honest and fair values to real estate, each appears to be anxious to have the land in his township valued less than the others in the county.

This system results in great inequality of appraisement, even in the same county, and places the taxable value of the real estate far below what it should be. While this does not benefit the taxpayer, or reduce or increase the amount of tax necessary to be raised, it works a real injury to the State, and especially our municipal organizations, by making the rate of taxation appear higher than it really is, and suggests to those not cognizant of the abuse of our system, a heavy rate of taxation, when in fact it is quite the reverse. It also fails to show the rapid increase of values, and the true value of the taxable wealth of the State.

I therefore recommend to your favorable consideration, as a means of remedying, in a measure, the more serious defects of the present system, the appointment or election of a county assessor, whose duty it should be to appraise real estate only, every third year, leaving trustees to appraise new structures, as now provided by law. This would secure an equal, or at least a more uniform valuation of real estate, and would come nearer ascertaining the true value of the wealth of our State, and reduce the rate per cent. of taxation from fifty to one hundred per cent., and furnish a potent and conclusive argument in favor of bringing wealth and population to our State, and take

away all temptation to reduce values to save State taxation. It also would relieve county boards of the necessity of raising the value of each single tract of land in a township for the purpose of protecting some townships against the wrongs of an intentional low assessment in another.

HIGHWAYS.

Our road laws do not seem to fulfill the objects for which they were enacted, in a satisfactory manner. There has, perhaps, been as much thought and study given to the question of economical road-making as to any other of equal importance; but no system has been devised as yet, that seems to answer the purpose in a satisfactory manner, without too great an expense.

Various systems have been devised and presented, but they do not seem adapted to the younger States, on account of the great expense and heavy taxation entailed on the real estate to carry them out in a proper and satisfactory manner. Good roads add greatly to the value, convenience and beauty of farms, and aid materially in reducing the expense and time of transporting the products of the farm to the markets and the depots. Good roads save the heavy wear and tear on teams, wagons and harness, and enable the producer to move larger quantities of produce to market in less time, and to take advantage of the rise in the markets, and save time and labor that can be used to a profit on the farm.

You will remember that as the law now stands the only legal means of opening, making, or improving our public highways, is the two days' work required of a certain class of individuals, and the annual road tax, not exceeding three mills on the dollar, which the tax-payer is allowed to work out in his district. While this may be sufficient to keep many roads in repair, it is wholly inadequate for the purposes of opening new roads, cutting down hills, or making needed fills. County boards have no authority now, under the law, to appropriate money out of the county treasury for making or repairing roads. I have no special plan to suggest, to remedy these defects of our road laws, but suggest that you give the matter serious attention, with a view to remedying the defects of the system and securing better highways for the use of the public, in as economical and satisfactory a manner as possible. To this end I would recommend, however, that the Board of County Commissioners be authorized to levy a tax annually, not exceeding one mill on the dollar, to be used exclusively by the County Board in the repair of, or grading roads, where public necessity may require such work to be done, as the means now provided by law are inadequate. There is no tax that could be levied that would be of so great a benefit to the farming interests as one that could be used exclusively, in a prudent and economical manner, for the bettering of public highways, and none that will give a more immediate and beneficial return to the farmer for such a small expenditure.

APPROPRIATION BILLS.

Should be introduced as soon as possible, so as to give ample time and opportunity for their careful examination and consideration.

It is important to the tax-payers, who bear the burdens and so nobly respond to every demand made on them, that the strictest economy may be observed, and that all extraneous and unnecessary expenditures may be avoided and omitted. It is important that no appropriation bill should contain an appropriation for more than one object. This course will permit the Executive to interpose any objections he may have to any items without interfering or delaying the passage of important and meritorious appropriations.

By pursuing this course you will make every appropriation bill stand or fall on its own merits, without endangering the passage of bills that are unobjectionable, and thus enable the Executive to practice that wise principle embodied in many State constitutions, of vetoing single objectionable items or appropriations.

CONGRESSIONAL APPORTIONMENT.

In the decennial apportionment made by Congress in 1882, seven members of Congress were assigned to the State of Kansas. By the third section of the law providing for such apportionment, it requires the members of Congress to be elected from districts composed of contiguous territory, and containing, as nearly as practicable, an equal number of inhabitants, and equal in number to the Representatives to which each State is entitled.

As the people of Kansas are homogeneous, their business interests and ordinary pursuits of life being almost identical over the whole State, there should be no difficulty in forming the districts out of compact, contiguous territory, and of nearly equal population, thus enabling members of Congress to ascertain the wishes of their constituents and the needs of their districts without traveling over long distances or to remote parts of the State. I need not remind you that a failure to apportion the State into Congressional Districts will deprive it of representation in Congress.

STATE AGENT.

The State Agent at Washington, ex-Governor S.J. Crawford, in the discharge of his obligations to the State, under a contract with it entered into on the 3d day of October, A. D. 1877, has with great energy and marked ability prosecuted the claims of the State against the General Government, and has secured for the school interests of the State 267,898 acres of land, leaving only 1,600 acres yet in controversy; and also secured and adjusted a large amount of the claims against the General Government for money expended and indebtedness assumed on account of the volunteer and militia forces called into active service, and five per centum on the sale of public land, and other moneys and lands. He is entitled to his compensation for services rendered under his contract, and you will without doubt make an appropriation for such payment. I shall, in a short time, be able to submit a complete report of his actions for your examination.

ELECTION OF SENATOR.

It will become your duty during the present session to elect a United States Senator to succeed the Hon. Preston B. Plumb, and I have only to ask that in the performance of this important task you will keep steadily in view the honor and good name of our young State, and conduct the election so that the scandals of some past elections may not be repeated again, to tarnish the fair fame of our beloved Commonwealth.

ELECTION OF STATE PRINTER.

It is provided by the constitution that a State Printer shall be elected "on the third Tuesday of January," etc. I need only remind you that such election will require your attention at the present session.

MAJORITY RULE IN STATE INSTITUTIONS.

Under a representative form of government it is right that majorities should rule, but the rule, so far at least as concerns institutions supported entirely by a direct public tax, need not be exclusive. Minorities have rights as well as majorities, and they have the same duties to perform to the public, and have the same interest in the economical and prudent administration of the affairs of our State institutions, and should share some of the responsibilities. These public institutions, educational, charitable and reformatory, should be brought as near the whole body of people as possible, in order that such generous support be given them as the duties of common humanity and the interests of the State demand. The inmates of these institutions are pensioners on all the tax-payers of the State, and not on any party or faction. Their care, control and guidance, and the disbursements of the vast sums of public funds taken from the people annually for their support, should be under the control of representative men, called, not from one party, but from all parties, and thus be removed from mere party control, and not appointed or selected in the interest of any party or faction. The affairs of these institutions should not be party spoil, or subject to change by mere party success.

But, in justice and fairness, the majority of any of our State boards should belong to the party in power, that party being in a measure responsible for their management. I can, therefore, with a degree of confidence which I believe you can appreciate and approve, ask that you provide by legislation to carry out the suggestions herein made, so that in the future the minority of the members of all State boards, whether charitable or educational, be given to the smaller of the two great political parties, allowing on all such boards, at all times, a majority of one at least of the majority party. I believe this system will secure honest and creditable management, more economy in the disbursements of the public funds, and prevent coercion of employes[sic] to force them to vote for a party or a man to whom they object.

But whether you, in your judgment, so amend the law or not, the course indicated will govern the present Executive in his actions and appointments, so that none of our State institutions shall be run in the interests of any party or faction, or turned into a political machine.

IMMIGRATION.

For the past two years there has not been as large an immigration to the State as could have been wished. This is accounted for on various grounds; but there is no use of speculating on the causes of the decline. The true course to pursue is to adopt measures to restore to our State the streams of immigration that are now directed in other channels.

The increase of population increases the value of real estate, increases the business of the merchant and tradesman, and furnishes work and employment to our mechanics, at remunerative wages; it gives the State the power of numbers, and increases its influence in a national as well as a commercial point of view.

Kansas offers perhaps more real and substantial inducements to the immigrant than any other locality where vacant land exists, or where homes can be purchased at moderate prices. We have a magnificent school system, endowed by an annual disburseable fund of over \$3,300,000, with all the advantages that society and refinement give to the people of any State. To the stockman and agriculturist our State offers inducements that no other locality surpasses. We have a soil of unsurpassed fertility, a salubrious climate, short winters, with an annual rainfall that produces abundant harvests to reward the husbandman, and plenty of water and green pastures for the

stockman, whether he wants the tame or native grasses. Our railroads checker over the State, and furnish the great arteries that transport the cereal products and live stock to market.

It is necessary to keep these advantages before the people of the other States and of the Old World, to secure a large, valuable and annual increase to our population. We need the hardy, industrious and economical German, Irishman, Swede and Canadian to help settle up and subdue our native soil--to aid in developing the inexhaustible resources of our young Commonwealth. I shall earnestly cooperate with you in any means you may see fit to adopt to induce and invite immigration to our State, whether through the influence of our State Agricultural Department, or by the appointment of a State Agent to represent us at New York city or to visit Europe in the interest of immigration.

It is important that the impression now existing against our State, on account of certain supposed infringements of the personal rights or liberties of individuals, and interfering with certain common and harmless customs, should be dissipated. Amendments to some of our laws, with proper and judicious management, will, I think, accomplish the wished-for result, and then in a short time the tide of immigration will be turned to our State.

EXECUTIVE RESPONSIBILITY.

In our present system of government, the Executive of the State is generally held responsible, in public estimation, for the proper management of general State affairs; the Asylums, Penitentiary, and other State institutions; the honest and faithful disbursements of public funds; the fairness of contracts made in the name or on the part of the State Boards; or improperly or imprudently using or misapplying State funds; or making fraudulent or improvident contracts; employing an unnecessary number of employes,[sic] or where there is danger of the loss of public funds by mismanagement. The Executive is powerless to protect or avert any impending danger, as he now has no authority, under any law, to interpose the authority of the State, except for completed or executed acts, and then only by appearing as the prosecutor in the criminal courts, or by instituting civil suits in the name of the State. Often charges are made against officers--charges affecting their character and official integrity--that are groundless; while they have no means of vindicating the honesty of their conduct before the public, or having the Chief Executive of the State or the Executive Council in a position to defend the honest and faithful officer, or show that moneys have been properly and legally expended, or contracts legally and fairly made, without collusion or fraud. The complete protection of the interests of the State demand now, more than when we had annual sessions of the Legislature, that authority should be vested somewhere for the protection of the interests of the State, its funds, its public institutions, its contracts, and public works; and also to cause investigations to be made, that the facts of any alleged fraud or misconduct may be ascertained, and guilty parties removed from authority.

To accomplish such investigations or examinations, I would respectfully suggest that the Governor be authorized, by a proper law, on his own motion or on charges preferred in writing, to order investigations to be made into the management of any of the State institutions, contracts, or disbursements of public funds, to the end that the interests of the State, and the public funds appropriated for the different institutions or other purposes, may be properly guarded, and dishonest or corrupt officials be removed and fraudulent or corrupt contracts annulled. Such power or authority should be carefully guarded, so that no honest man should suffer, or any guilty one escape. The honest and faithful official is always ready for an investigation, while the dishonest one may shrink from an examination into his conduct. There is no harm done, but great

good has resulted, by our laws providing for the examination of our county and State treasurers, without notice to incumbents. No official objects, or can with any pretense of honesty, to a fair and impartial investigation, and there certainly can be no valid reason why other officials than State and county treasurers, who disburse, control, or make contracts for the appropriations of public funds, should not be subjected to the same system of investigation.

INDIRECT BURDENS.

There is a surplus in our Federal treasury of \$150,000,000, which, together with the annual expenditure, measures the apparent burdens on the people. This surplus attracts those who would for their own selfish ends, make spoil of the public funds. Not only the fiscal officers of the General Government and the President of the United States, but all good men of all parties, have denounced and deplored this surplus as tempting and corrupting in its effects. It is a consequence as well as a cause of evil policies and practices, and denotes excessive taxation and the multiplication of useless and unnecessary burdens on the people. It means excessive cost of fuel, shelter, food, clothing and other necessaries and comforts of life. It adds by its exactions on iron and steel, burdens on the cost of railroads, and increase costs of transportation of the produce of the farmer to the markets of the world, and adds greatly to the price to the consumer, while it does not pay back anything to the producer. It is a tax on food which does not inure to the benefit of the producer or consumer. It is increasing at a rapid rate the wealth per capita of the States whose people are enjoying the effects of a protective tariff, while the rate is being rapidly reduced in the agricultural States of the West.

Whether this excess is a hundred or two hundred millions, the pernicious principle is the same. It concerns the people of this agricultural State to know why this burden is laid upon them, and what is the consideration they receive for bearing it. If the taxation by the present tariff simply furnished the funds to carry on the Government, frugally administered, even though there were inequalities in its arrangement, a patient agricultural people might not complain. But as the census shows, there are States which may be called protected States, and others which may be called unprotected States, yet the latter furnish not only their full share of the immediate expenses of the General Government, but they furnish immense sums which, by the present protective system, never find their way to the national treasury, but go to swell the wealth of those who profit by this tax on the industries of the agricultural States that might be profitable were it not for this protective system that aids a favored few to amass immense fortunes off the masses. Our census reports show a rapid increase of the wealth per capita of such States, and a gradual decrease of wealth per capita of the agricultural States. The average tariff tax on manufactured articles generally used by the farmer varies from 30 to 150 per cent., and this immense tax on the industries of the State makes fearful inroads on the earnings of the patient, toiling farmer. To this tax must be added the increased cost of the article to the consumer, which adds greatly to his burdens and raises an immense sum of money annually that never finds its way into the treasury vaults, variously estimated at from five hundred millions to one billion of dollars, which is collected from the consumer by the enhanced price of articles of daily use. The protective policy of our present tariff laws is the result of bad legislation, and a vicious system that assumes to tax one class of people and business to help another class of people or business; taxing the consumer so as to raise the revenues for the support of the government, and at the same time and by this system compelling them to pay immense tribute to a few because they have succeeded in building up immense monopolies, and secured in years past the favor of

Congress and a protective tariff. The sham excuse for this pernicious system is, that it makes a home market. The fallacy of this argument has been demonstrated by every writer on political economy. It is only necessary to add that the price of farm produce is not regulated by the domestic demand; but the markets of Europe measure the value of our meat, and the great cereal crops of our State. It is argued that it keeps up the price of labor. The history of this protective system in our own country proves its fallacy, as also the additional fact that the countries that are the most protected and the worst off in Europe pay the lowest wages. The agriculturists of Kansas have their own local interests, but they happen to be in accord with the general interests of mutual trade and commerce with other lands. Commerce is not a one-sided affair. The markets for the cereals and meat of the great farm factories of our State, and of the West, must be made, and when made continued by the liberality and justice of our own laws. We must not provoke retaliation nor invade the national laws of trade, nor limit our markets in which to buy what we need, and sell at the best prices and where we please. The revenues for the support of the National Government can be and necessarily must be raised by a tariff system, but that system should be so adjusted and arranged that it will raise revenue for the liberal though economical support of the Government, and be levied on the luxuries rather than the necessities of life, thus freeing labor of its unjust burdens, and placing the farmers of Kansas on an equality with the other industries of the country, and freeing them from exactions they ought not to bear. While it may be argued that you have nothing to do with this question, it is important that we should understand what burdens are borne by the people, and how they are enforced, so that as statesmen and wise legislators you can temper the burdens and taxes that you impose so that the exactions may not impoverish those who are expected to respond to all demands for support you may make on them. Besides, when the folly of the present onerous protective tariff system is fully understood, the voters will see that those who represent them in Congress shall represent the agricultural interests of Kansas instead of the protected monopolies of other States.

RAILROADS.

It is a recognized fact that railroads have, in a sense, made our State. They have by means of circulars and pamphlets extensively advertised the State, and thus brought it to the attention of thousands of immigrants who have settled among us, and are now an important class of our population. They have aided in the general material development of our resources, and have proved themselves an invaluable agency; and all this is thoroughly appreciated by the public. While this is true, it is equally true that the State has made the railroads; so that a mutual obligation exists between them. To encourage and promote, and aid the building of railroads throughout the State, our citizens very wisely procured from the General Government large grants of land, supplemented by a donation from our own State of 500,000 acres of our school lands, and Government and municipal bonds, with first-mortgage guaranteed bonds, amounting to about \$27,806,000; so that millions of acres of land and millions of dollars of money have been donated to aid in the construction of the various railroads of our State.

These generous donations of lands and bonds were made by the people of Kansas for the purpose of building the magnificent railroad system of our State, and for their generous treatment they expected generous, or at least fair treatment in return; and for years this expectation was fully met. These liberal subsidies at the outset, enabled the projectors of our railroads not only to build and equip and maintain the roads in question, in a style second to none in the country, but they also placed the original constructors in a position to greatly enrich themselves as individuals.

The actual cost of building, equipping, and maintaining these roads did not exceed more than one-half of the cash value of the lands, mortgages and bonds donated to them, thus leaving about fifty per cent. of what has been donated for the construction of railroads, to go into the pockets of the management. And yet, profitable as railroad building has been to the construction companies, the State and the people did not complain or interpose any obstacles to the successful construction of railroads, until after the passage of the "consolidation act," authorizing railroads to consolidate and lease railroads. Up to this period in the history of the State, there was a perfect understanding, and the best of feeling between the public and the railroads. Competition existed between the roads, and fair and generous treatment was accorded to the public. But soon after the passage of the "act" above referred to, the original railroad companies, having sold or leased their roads to second parties, these new corporations, taking advantage of this law, proceeded to consolidate their interests, to the detriment and injury of the public.

From that hour the antagonism between the people and these corporations has steadily increased, until to-day we have in our midst the strange spectacle of a rich, strong, influential and solidified monopoly greedily encroaching upon the rights of the very people whose creature they are, and to whom they owe, not only their existence, but the very patronage which enables them to wield a power whose possibilities are simply appalling. Steadily have these corporations invaded the rights of the people. They have taken advantage of the necessities of business and commerce; they have, upon the flimsiest pretext, presumed to do high-handed and outrageous things; they have ignored the real interests of the State, and have simply used the State and its resources to the detriment and injury of its agricultural, commercial and manufacturing interests, so that, by a systematic and thoroughly organized method of "pooling their earnings," by unjust discriminations against localities and individuals, by excessive and exorbitant freight and passenger rates, by drawbacks secretly allowed, thus defrauding other patrons, as well as by an arrogant and intolerant policy, they have made it practically impossible for our merchants and manufacturers to compete with the same classes in adjoining States. The result of this has been to make it unprofitable to develop the manufacturing resources of our State. Manufactured articles of all kinds made in the far eastern States are shipped into our State and sold here at a less cost than those articles can be manufactured anywhere in the State, and for the simple reason that our railroads are constantly discriminating against our home manufactories, and exacting excessive local rates, under the fallacious plea that a long haul is more profitable than a short one, even when a greater rate is charged for a short haul, and the empty car is again ready for the company's use, and the cost of loading and unloading the car is the same in both instances. The effect of this has been to paralyze and stop the manufacturing industries of the State.

Furthermore, railroads are constantly discriminating against our wholesale merchants in favor of the same class in other States; and not content with this, they are discriminating against the purchasing interests of the retail dealers, and against the whole agricultural, mercantile and commercial interests of the State. The agricultural interests of the State, by that form of injustice known as "pooling," by which excessive rates are charged and competition prevented, are so seriously crippled that in the western half of the State it is impossible under the present system of railroad management, even with the best of crops, to make agriculture profitable; and the hard-working farmer, whose only dependence is his crop, is by the exorbitant rate of freight placed in a condition of helpless submission and dependence, so that the fertility of his soil is of no especial advantage to him, and the products of his labor do not yield him their proper returns. If this wrong is not speedily corrected, the time will come when agriculture in the western half of the State will of necessity be abandoned, and the State suffer a loss of millions of dollars in

consequence.

The dire effects of this system of discrimination is also seen in checking the growth and prosperity of all the towns, villages and cities of the State. These town are thus injured, their business crippled, their industries embarrassed, their developments rendered expensive and difficult, the price of all commodities unduly enhanced; and all this is endured while towns and cities in adjoining States are being rapidly built up at our expense. And not only is the State thus crippled in its agricultural, its manufacturing interests, and in all its commerce, but it is hampered to such an extent that its growth and prosperity may be a thing of slow and uncertain stages, and it should be relieved of these burdens so that it may continue to rank among the foremost States of our nation, and that the business and prosperity of our cities and towns may increase; that manufacturing establishments may be possible and lucrative; that our agricultural interests may be as profitable as the fertility of our soil, the salubrity of our climate, and the industry of our citizens deserve.

In addition to these oppressive discriminations against localities and individuals, these corporations have for ten years persistently defied the law in refusing to comply with the enactment requiring them to establish and keep their general offices within the State, but have removed them beyond our limits, and now even deny and defy the jurisdiction of our courts, thus violating the will of the people in this regard. And perhaps one of the worst features of our courts, thus violating the will of the people in this regard. And perhaps one of the worst features of this vexed railway problem is the constant tendency on the part of the railroad managers to manipulate the politics of the State--to seek not only to control conventions, to make platforms, to nominate and elect candidates, but also to improperly influence legislation by subsidizing and establishing newspapers, and by employing paid lobbyist to defeat proper legislation, so that corporate greed may still override and oppress the people. It is a notorious fact that it is charged by the public journals, and believed, that the railroads of the State have used money lavishly to corrupt voters, and have tried by coercion, by threats, and by all appliances at their command to force their employes[sic] to vote against their will, and for men and parties known to be pledged and committed to the railroad interest, and upon their refusal to do so, they have been discharged from their employ. The public is aware that in the States of Minnesota and Iowa a serious complication, growing out of an attempt to control and apportion the territory to a particular railroad, has just been adjusted between the parties to such a compact. Two similar transactions have occurred in this State within the past ninety days. By this method of apportioning territory to a particular railroad, the building of new roads, even when they are needed as a matter of self-defense, either by competing lines or by the public, is entirely prevented, or made exceedingly difficult, so that the remote towns and cities and agricultural districts are deprived of railroad facilities, obtainable but for such combinations made to render competition impossible, and the business of such unfortunate districts thereby made unprofitable.

I call your attention to the recently published statement of the earnings of one of the leading railroads of the State, which published statement has not been denied, so far as I am aware. The earnings of this road for the fiscal year ending November 1, 1882, are, as given in round numbers, \$14,500,000, with a net earning of over \$6,000,000. Allowing this railroad to represent one-third of the entire mileage of the State (which it does not), on the same basis of earning, the entire mileage of the State (3,967 miles) would be over \$45,000,000; and upon the same basis of profit earned by the road referred to, the total net profit of the entire mileage of the State would be over \$18,000,000--a sum that in two years would amount to more than the assessed value of the entire railroad property of the State; or in other words, taking this one road, representing less than one-

third of the mileage of the State (whose published earnings we have just quoted) as a basis, the entire mileage of the State, after deducting all the running expenses, pays for itself once every two years, besides paying all operating expenses.

It is shown by the report of the railroad assessors, that the total assessed value of the railroad property in the State is \$25,088,156.46, and average assessed rate per mile is \$6,786.43. If the gross earnings of the roads are \$45,000,000, the average earning per mile is over \$14,000--a sum more than twice the assessed value. When we contemplate the magnitude of these figures, and that the burdens they indicate have been borne by our people, it shows a patient submission that enlists our sympathy, and a recuperative power and industry on their part that challenges the admiration of all.

This financial exhibit presents, in a striking manner, the marvelous wealth and the productive energy of the State, by means of which the people are enabled to pay such vast sums annually; and it also shows the tribute paid by the people for permission to do business with the railroads, as well as the financial burdens which they are compelled to bear; and it calls upon you to interpose the power of the State for the protection of its industries. And these vast sums of money are demanded from the people, whose interests are either treated as of secondary importance, or wholly ignored by these public servants, the railroads. Never in the history of the world have any people been subjected to greater abuses than have the people of Kansas for the last five years. No wonder, then, that from all sections of the State, and from all classes of people, comes the demand to remedy these inexcusable evils. No wonder that the pent-up wrath and indignation of a wronged people no longer restrains itself, and that the necessity for prompt, decisive and impartial action is now upon you. The "pooling system," now so generally in vogue in this country, and especially in this State, is in substance a contract or agreement entered into between certain roads by which each forming the pool is pledged, under penalty, that no matter how excessive or exorbitant the rates charged, there shall be no competition between them; and that unless the public pay the rates, no member of the pool will transport its produce or transact its business; and that a pro-rata division of the profits accruing from the pool is made to the interested parties at stated periods. By this most unjust system of pooling, the people are compelled to pay much higher rates than the actual demands of the business justify, or the "traffic will bear;" and the business of communities thus suffers, and is in many instances wholly destroyed. And when the parties and communities thus embarrassed attempt to relieve themselves by building a new road, the "pool" temporarily cuts down rates below the actual cost of transportation, until the new competitor either succumbs or is forced into the combination. When the building of the new road cannot be defeated by this method, the "pool" refuses to enter into any arrangement by which freights are received from and delivered to the new road, and its business is so hampered as to drive it into bankruptcy, or compel it to transfer its franchise to its powerful rival.

These, then, are some of the evils which oppress the people of Kansas, and for which they are asking relief at your hands. Hitherto these wrongs have been borne patiently, and the people in their magnanimity have given the railroads every opportunity to prove themselves the real friends of the State, and for that reason have postponed legislative action, in the hope that these corporations would see the folly and injustice of their methods, and adopt a wiser and more equitable policy. It seems, however, that forbearance on the part of the public has only emboldened these corporations to perpetrate still greater wrongs: for example, when it was ascertained that our wheat and corn crop of 1882 was a certainty, the railroads of the State at once advanced the rate of freight above the rate of last year, to such an extent as to place an

additional burden upon the wheat and corn crops, amounting to over \$1,500,000; so that, as we increase the agricultural products of Kansas, the railroads adopt the unnatural policy of advancing their rates, thus preventing a good crop from returning any more money to the producer than a poor one.

Therefore I deem it my duty not only to call your attention to these evils, and to warn you of the danger of delay in dealing with them, but also to impress upon you the following propositions: First, That railroads are public highways, created by the authority of the State, for the benefit of the State.

Second, That railroads are common carriers, and as such shall receive and have the right to demand just and reasonable compensation for service rendered, and have no legal or equitable rights to charge excessive or exorbitant rates.

Third, That all persons have a right to their use on like conditions.

Fourth, That the Legislature has the right and power to regulate them in all these respects and particulars mentioned, including the right to fix rates of freight and fare.

With these propositions in view, it is clearly the duty of the law-making power to exercise a most thorough, fearless and just management and control of its corporations, including telegraph and express companies, so as to prevent these valuable adjuncts of the business of the State from becoming oppressive monopolies. And should the Legislature, in its wisdom, deal with this important question as the public demands, and should it be decided that the railroads shall be placed under the control of a commission appointed for that purpose, I would fail in my duty to the State and to you did I not specially request that you shall fix by law, independent of any commission, the rate of passenger fare at three (3) cents per mile, and that you provide by law, independent of any commission, that railroads shall be prohibited, under proper penalty, recoverable by civil action, from charging more for a short distance than for a long distance; that you shall fix by law, independent of any commission, a low but just and fair maximum rate of freight for coal, wheat, corn, oats, broom corn, cattle, sheep, hogs and lumber, so that no contingency of weather or combinations shall deprive the public of fuel at reasonable rates, or prevent the agriculturist and stock-raiser from getting his produce to market at reasonable rates, and in the quickest time, so as to give him the advantage of the best markets, and enable him to obtain a reasonable return from his labor and capital invested.

Railroads should not be permitted to increase their rates on any articles transported by them, until thirty days' notice posted in the station where the goods are received and delivered; and that they should not be allowed to increase the rates on car lots by excessive terminal charges, or for switching, and that the rate per hundred pounds shall be specified in the shipping bill or receipt given for the article shipped, and the consignee shall not be required to pay a greater rate than that named in the shipping bill or receipt.

These suggestions are urged upon you for your action, for thee additional reason that it may be claimed that it is beyond the power of the Legislature to confer any such power on a commission, while legislative authority is beyond question. These safeguards, once secured and rigidly maintained, will prove of incalculable benefit, first, to the producer, second, to the consumer, and third, to the railroads themselves. They will enable the farmer to dispose of his crop, and to derive a reasonable profit from the avails of it, and give new life and energy to the business and commerce of the State, and remit the railroads to the position of common carriers, where the law and their charters place them. They will enable the consumer to supply himself with the staples of life at a fair price, and will give the railroads, not only a fair compensation, but will conduce to a feeling of goodwill, and helpfulness to all concerned.

PROHIBITION.

At the session of the Legislature of 1879, a proposition to amend the Constitution of the State was adopted, to be submitted to the people at the general election held November 2, 1880, in the following words: "The manufacture and sale of intoxicating liquors shall be forever prohibited in this State, except for medical, scientific and mechanical purposes."

At the election in November, 1880, this proposed amendment to the Constitution was, by a majority of the votes cast upon that question, but not by a majority of the electors of the State, ratified, and became a part of the fundamental law of the State. The succeeding Legislature, in 1881, enacted a law whose provisions were intended to make the constitutional inhibition in respect to the traffic in intoxicating liquors effectual and operative.

The public policy embodied in this amendment and statute has been in force since their adoption, but during all that time this policy has been a failure, and injurious to the cause of genuine temperance--diverting immigration from our State, engendering strife in neighborhoods, promoting excessive litigation; loading down the dockets of the courts, making heavy cost bills to be paid by the people, inducing the clandestine use of intoxicating liquors in club rooms and in the homes of the people, setting a frightful example of the use of intoxicating liquors before the young, drinking to excess, caused by the purchase of liquors in quantities, and losing to the cause of temperance good and sincere temperance people by the meddlesome interference with the habits and established customs of long standing of many good and worthy citizens, by busybodies whose only ambition was to magnify their own importance, instead of working for real temperance.

It was premature--and indeed unfortunate--to have engrafted into the fundamental law of the State a policy which from its nature was an experiment of doubtful utility and of uncertain success, and which has proved a failure wherever tried in other States. Whatever mutations attend the ordinary statute law, it is of the first importance that the body of constitutional laws should be permanent and inflexible in its character. It is the compass and rudder of the ship of state, and for this reason it is always a mistake--if not indeed a perversion of constitutional forms and instrumentalities--to insert therein matters which more strictly pertain to police regulations; regulations, the character and effectiveness of which depend upon a variety of circumstances and social conditions, and which, to reach and subserve the best public good, must be adapted to each set of circumstances and social conditions as they exist at different times and localities.

The exercise of that portion of the police power that relates to the maintenance of public decency and social order, cannot be restricted within the limits of a uniform and inflexible rule without greatly impairing its efficiency, and in many instances rendering it nugatory. The policy of prohibition may be practicable and beneficial in some localities wherein the conditions conducing to success are favorable, and sustained by a large preponderance of popular sentiment; but in others, wherein the public sentiment is inimical to the policy, and a strong public sentiment is inimical to the policy, and a strong public sentiment and interest opposes it, notwithstanding it may have received the strong sanction of adoption as part of the constitution, the laws creating the policy, and those enacted to enforce it, fall into disrepute and contempt. In such a condition of affairs it is difficult to estimate the magnitude of the evils that must ensue. The demoralization consequent upon habitual disobedience to constitutional and legal obligations existing, when the line of policy indicated is impracticable and disregarded, must necessarily exert an unfavorable influence throughout the State.

The primary purpose of the Constitution has respect to, and was intended for, the regulation of

the most general concerns of the government and people. Under it, before the adoption of the amendment respecting the liquor traffic, the most ample police powers were possessed by the Legislature; powers which the public welfare required, except wherein necessary to protect those personal rights and liberties which the Constitution guarantees to every man. The amendment, in respect to the liquor traffic, was in its purpose, scope and operation restrictive of legislative power in regard to matters which, while they intimately affect the whole population, uniformity of regulation in respect to them is impracticable and detrimental. It prevents the lawful application of necessary and effectual measures of restraint of the liquor traffic in localities where an adverse public sentiment prevails, and renders prohibition ineffective.

Whatever benefit may be claimed to accrue to such portions of the State wherein prohibition measures are more strictly enforced or more generally observed, it is obtained at the expense of those localities wherein they are inoperative, and the same benefits were attainable on the one hand through the appropriate exercise of the police power, unvexed by constitutional restrictions, without entailing the great overbalance of evils on the other hand, from futile attempts to impose uniform and unadaptive regulations. It is not a sufficient answer to this to say that the increased measure of evils suffered in localities where the prohibition laws are disregarded is simply a consequence of their disobedience; for while this may be true--and disregard of any law is a matter to be deprecated--it is no less true that a body of people do not change their habits, customs, sentiments, opinions and modes of life, which they do not admit or believe to be bad, at the behests of would-be reformers, or even constitutions or statutes. And whether this is a matter of commendation or blame, is indifferent in the consideration of this question; it remains an obstinate fact, as old and as permanent as human nature, that laws do not mould and fashion the character of men, nor make them religious or moral, unless the coercive power of the law is supported by the honest judgement of the greater part of the community. The law is made for man, not man for law--a fact recognized by high authority nearly two thousand years ago; and in all legislation for the restraint of the actions or inclinations of the people, their follies, education, and habits of life, as well as their vices, must be considered by him who would succeed as a law-maker.

It can scarcely be considered otherwise than as a mistake, to have adopted as a part of the Constitution a provision, concerning the wisdom and expediency of which there exists in the community so great and prevalent a diversity of opinion, which will necessarily assert itself with an intensity not wholly without passion, at each recurring period when under the Constitution and laws the people are called upon to exercise their choice in the election of officers to administer the government. Thus it happens that the Constitution itself, instead of fixing the most general outlines of State policy upon which there exists general agreement and harmony, presents a question that serves to provoke perpetual conflict and strife. Such a condition of things can have no other effect than to weaken those feelings of respect and veneration for that instrument which constitute the chief guaranty of free institutions, and the reflex influences upon the people will be of the most pernicious character.

Temperance is a virtue that all good citizens should practice and observe. It tends to make people better citizens, and elevates the moral tone of society; and like religion, it should be the common property of all, and no political party can appropriate that virtue to itself. It is too sacred to be made a political question of, and the thoughtful, earnest temperance worker, the man who recognizes the fact that it takes time to work out great reforms, and that coercion is not the best means to effect such noble work or reformation, is the true temperance reformer who teaches by example and persuades the judgement by argument instead of coercion and zealous intolerance.

He recognizes the fact that ours is a free country, where the principles of individual liberty have taken deep root in the minds of the people, and that they are jealous of any attempt to interfere with the personal liberty of the citizen, especially with laws that are made in restraint of the individual actions and customs of the people, that beset them with spies or informers, or subject them to petty criminal annoyances, instigated by busybodies or self-constituted conservators of the temperance cause, or attempt to regulate their conduct when they do not trench on or invade the rights of others, or attempt to dictate how they shall order their daily life or conduct, whether that dictation attempts to interfere with the exercise of free speech, religious beliefs or opinions, to their drink or diet, so long as they do not offend against the rules and customs of society, or the individual rights of others.

The people of Kansas are a temperance people, and will favor and loyally support and enforce any proper law that will advance the cause of temperance and morality; but they are opposed to shams or systems of law that annoy them, and defeat their own execution by their own intemperate provisions and penalties. During the last year of local option and license, the United States revenue office of Kansas issued eleven hundred and thirty-two (1,132) permits to sell intoxicating liquors, or one permit to 879 persons, placing Kansas as the first temperance State in the Union; while in the first year of prohibition there were issued 1,788 permits, an increase of 656, and also an increase of 58 per cent., or one permit to 551 persons, and taking Kansas from the first and ranking her the seventh temperance State; while, in the first forty-five days of the second year of prohibition, 1,148 permits were issued--sixteen more than in the whole year of local option and license. If we consider these facts in connection with the clandestine sales of intoxicating liquors, and consider the vast amount that is daily delivered to individuals in concealed packages by express companies, we are forced to the conclusion that the cause of true temperance reform has not progressed very rapidly under our present coercive system. These facts forcibly remind us that we are living under a republican form of government, of and by the people, and they make the laws as well as enforce them, and no community will enforce a law upon itself distasteful to it.

The people as a whole make the laws, but each separate locality and community for themselves enforce them, if they are put in operation at all. Hence a due application of these simple principles shows the necessity of wise and considerate action in the passage of laws, with the inquiry whether they can be enforced, or whether people will obey them. It is undoubtedly true that the liquor traffic has a tendency to stimulate discords in the community; to cause drunkenness; to increase pauperism and crime; to bring distress to many families, and cause individual degradation. But the remedy for these evils is not in abortive attempts at prohibition, that have always failed, but in a wise and judicious license system, that has worked well heretofore in this State, and has been demonstrated in other States to be the only practicable solution for these evils. There is herein a double responsibility, resting alike upon the person who ministers to, and the individual who is guilty of, such excess, and society cannot be too swift in fixing responsibility, nor too anxious in visiting punishment, both of which a license system secures, as the people have always enforced that system, and the licensee is made to aid in the punishment of those who violate the law. In a popular government, where the administration of the laws devolves primarily upon the people, through juries and the choice of officers vested with civil functions, laws repugnant to the political sense of a large part of the community fail to receive that support which is necessary to impart to them the efficacy of laws.

Such a condition of things, long continuing, degrades the popular sense in respect to the binding force of legal obligations, and generally impairs the efficiency of that function of the law that is

concerned in impressing the moral sense, and preserving the spirit of loyalty and obedience among the people. Indeed, laws that like our present liquor law, exist in the teeth of traditional habits and customs; that contravene the convictions of the larger part of the community; that seek to destroy property in the name of the public good without compensation; that will not allow farmer to use the fruits of his own labor without denouncing him as a criminal; that compel the physician to become the involuntary betrayer of the secrets of the sick-room; that offer bribes for conviction; that make the obtaining of medicine oppressively expensive; that create penalties so oppressive that juries refuse to testify; that have shut out the stream of immigration that was flowing by the thousands to our borders and settling up our prairies, and giving employment to our artisans and business to our tradesmen--can never find a secure and prosperous lodgment among free institutions. This law estranges and drives away from the temperance cause that large, influential and respectable class of our citizens who use wine and beer in moderation, and who, though practically temperance men, do not, and never will believe that the simple use of these beverages is a crime, or is so disreputable that it should subject them, or those who believe as they do, to the condemnation of the law, or to public criticism. Without the support of this large class of voters, who may be denominated the conservative balance of power in our political system, and who constitute a large majority of the voters of the State, no system of prohibition can be successful, or made a permanent part of our political system. This large class of people look with disfavor upon any attempt to force the question of temperance or morality as a disturbing element into the partisan politics of the day, but believe it should remain a part of our social policy that should find a safe and permanent lodgment in the affections of all parties. The law lacks the essential elements of adaptation; is not, and cannot be enforced, even in the smallest degree, without the employment of a despotic and tyrannical power, odious to every lover of freedom, the employment of which is debasing to both people and government, and imperils whatever is vital and valuable in the principle of liberty. Whatever of advancement there has been in the cause of temperance has been gained by voluntary philanthropic efforts and by moral suasion, addressed to the judgment and the understanding of the people. Whatever of progress is made in the principle of true and enduring temperance must be secured by the same course. There is no royal road to learning, neither are there cheap and easy methods of philanthropy, nor short cuts to the millennium. All patent devices such as prohibitory liquor laws are delusions. If by them the difficulty is increased of obtaining liquors in public places, the practice of drinking in private houses is promoted; and whatever seductiveness may attend the practice of clandestine drinking, and the use of liquors in private houses, its influence for evil is strengthened and magnified a hundred fold. While there may be difference of opinion as to the best method to pursue in the management of this difficult problem, I think the great majority of the people believe in, and will loyally sustain, a law providing for local option and a high license. If this is true, it is then a wise policy to trust the people to manage the matter as they wish. While this is true of the largest part of the community, they at the same time demand that the use of intoxicating liquors shall be regulated or restrained so as to mitigate and destroy as far as possible all the evil effects of the use and traffic; and this reasonable wish should be respected and gratified. These, with other reasons that might be urged, constrain me to invite your attention to the necessity, or at least the policy and wisdom, of submitting to the people, in accordance with the provisions of the constitution, a prohibition clause in the constitution, and to amend the existing statute with a view to rendering it less offensive to the people and more effective in its operation. These views and suggestions are submitted in obedience to a public duty, rendered

imperative by what I believe to be the wish of a large majority of the people, who desire to enthrone true temperance in lieu of the present free-liquor system.

CONCLUSION.

In conclusion, I urge upon you that you practice the strictest economy compatible with the public good in your appropriations, cutting off all useless and superfluous expenditures, that the burdens placed on the people may be as light as the efficiency of the government service will allow. I bespeak for the different State officers, and for the managers of our different institutions, a respectful hearing, as I believe they, as well as yourselves, are actuated by the best motives for the public good; and be assured that I will cheerfully act in harmony with you in any efforts you may deem advisable for the public good, or that lighten the burdens of those who furnish the means to carry on our government.

G. W. GLICK.

EXECUTIVE OFFICE, January 9, 1883.

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