

ANNUAL
 MESSAGE
 OF
 GOV. JAMES M. HARVEY,
 DELIVERED TO THE
 KANSAS LEGISLATURE,
 JANUARY, 1870.

MESSAGE.

Gentlemen of the Senate and House of Representatives:

In the name of the people of Kansas, I welcome you, as their chosen law-givers, to these beautiful halls, dedicated to the purposes of legislation for a State which is rapidly reaching that prominence and importance to which it is entitled by reason of favorable location and unparalleled fertility, as well as by devotion to the cause of human freedom and self government.

The year just passed, as been one of unexampled prosperity. Every branch of industry has reaped rich harvests. Every avenue leading to our State has been crowded with immigrants. Each county, city, village and hamlet has received large accessions to its population. Tendering my congratulations upon the auspicious situation, I proceed to communicate to you such information as I possess in reference to the condition of the State, and to recommend such measures as I deem expedient.

FINANCE.

The financial condition of the State is clearly set forth in the following tabular statement, collated from the reports of the Auditor and Treasurer:

STATEMENT of Liabilities and Resources on hand and Due the State November 30, 1869.

LIABILITIES.		
6 percent, bonds, funding Territorial debt.....	\$	60,900.00
6 per cent. bonds, refunding taxes.....		39,675.00
7 percent, bonds, current expenses, 1861.....		204,000.00
7 percent, bonds, internal improvement.....		70,000.00
7 percent, bonds, capitol building.....		320,000.00
7 percent, bonds, penitentiary building.....		260,000.00
7 percent, bonds, deaf and dumb asylum building.....		15,500.00
7 percent, bonds, insane.....		20,000.00
7 percent, bonds, military.....		346,000.00
10 percent, bonds, agricultural college.....		5,500.00
Outstanding state warrants.....		420,711.87
Outstanding territorial warrants.....		7,742.73
Amount overpaid on taxes by sundry counties.....		1,378.34

RESOURCES.

Tax levy 1869, general revenue and sinking fund.....	\$	572,897.74
Taxes due on levy 1868.....		66,640.93
Taxes due on levy 1867.....		55,917.92
Taxes due on levy 1866.....		14,617.36
Taxes due on levy 1865.....		20,990.54
Taxes due on levy 1864.....		12,884.89
Taxes due on levy 1863.....		13,014.06
Taxes due on levy 1862.....		16,886.24
Taxes due on levy 1861.....		10,379.68
Amount in treasury.....		13,023.84
Amount in treasury, military.....		12,297.23
	\$	1,771,407.94
	\$	809,550.43

Total receipts, general revenue, \$232,214.78.

Total expenditures, general revenue, (including amount borrowed from sinking fund for payment of legislature) \$252,439.53.

Total receipts from all sources, \$1,335,341.05.

Total disbursements, all sources, \$1,287,250.03.

Remaining in treasury, (less amount borrowed from sinking fund) \$48,091.02.

Warrants outstanding Nov. 30th, 1869, \$420,721.87.

From this it will be seen that there is still a large amount of outstanding warrant; but it is also to be understood that there is to meet them, the levy of 1869 for general revenue, amounting to the sum of \$534,685.90, and delinquent taxes of the levies of 1861 to 1868 inclusive, amounting in the aggregate to the sum of \$211,331.61. The collections now being made will probably be sufficient to meet nearly all the demands outstanding against the general revenue fund. I desire to call your attention to the fact that the constitutional requirement relative to the levy and collection of taxes each year, for the creation of a sinking fund adequate for the liquidation of the State debt, has not been complied with in former years, and that the levy for the purpose the past year is inadequate. You will find the facts in relation to this matter fully set forth, and the proper calculations made in the report of the Auditor. Each law creating any part of the State debt contains the provision required by the 5th section of Article XI of the Constitution; but in making the yearly levies, legislatures have failed to include in the revenue bill amounts set apart for this purpose sufficient to comply with the constitution, and the laws made in pursuance thereof. I hope, and believe, that no argument is necessary to convince you that this fund must be raised and sacredly applied to its legitimate purpose. Honor and interest alike demand it.

Akin to this matter is another, which also demands your attention, In consequence of the neglect of former legislatures, alluded to above, the interest fund in the treasury on the 1st of January is yearly insufficient to meet the semi-annual interest accrued at that date; and as the settlement with county treasurers cannot be effected before the 25th of January, it becomes necessary for the State Treasurer to effect a temporary loan to meet the interest on the State debt, which is payable in New York. The remedy for this difficulty seems to be, a levy sufficient to increase the interest fund until the semi-annual demand may be anticipated.

MILITARY CLAIMS.

The legislature, at the last session, authorized the appointment of an agent to collect the military claims of the State against the general government, allowing him three per cent upon the amount collected. Upon visiting Washington last spring, I learned that nothing could be done by the agent until further legislation was had, and that the custom was for Congress to provide for the adjustment of the accounts by commissioners appointed and paid by the United States. This being the case, it did not seem advisable to appoint an agent and pay to him a large sum which could as well be saved to the State. It was also suggested to me that to have the claim prosecuted by an agent having a large contingent interest in its liquidation, might prevent or delay the legislation necessary to secure an equitable settlement. I therefore refrained from making the appointment. I am satisfied that our congressional delegation will make an earnest effort to secure a settlement this year. These claims amount in the aggregate to \$846,000.

ASSESSMENTS.

By reference to the Treasurer's report, you will perceive that he calls attention to the fact that the law gives the Auditor no right to reject a claim made by any county for an abatement of an account of double and erroneous assessments. It would seem that the Auditor should have power to require evidence and specifications as to such claims, especially when they are made years after the alleged errors were charged.

The Auditor also calls attention to the propriety of making the assessed value of property approximate to the cash value. It is evident that a return of \$100,000,000 of taxable property, with a levy of eight mills, would make a better showing for the State than a return of \$80,000,000 with a levy of ten mills; the actual amount of property in each case being equal, the amount of revenue raised would be the same, and the taxes of each individual the same. Equitable distribution of taxation, provisions for prompt collection, and rigid but wise economy in appropriations, will soon make our financial condition all that could be desired.

EDUCATION.

For the following statistics concerning public schools and institutions of learning, I am indebted to the Superintendent of Public Instruction:

Number of school district, 1,707; increase for the year, 335; number of reports from district clerks, 1621; increase for the year, 389; number of male persons between the ages of 5 and 21 years, 48,007; increase for the year, 7,761; number of female persons of school ages, 44,510; increase for the year, 8,606; total number of persons of school ages, 92,517; increase for the year, 16,367; number of male persons enrolled in public schools, 30,197; increase for the year, 6,558; number of female persons enrolled in public schools, 28,484; increase for the year, 6,983; whole number of persons enrolled in public schools, 58,681; increase for the year, 13,541; number of pupils in select schools, seminaries and colleges, 2,784; decrease, 615; whole number in public schools and other institutions of learning, 61,465; increase, 14,256; average daily attendance in public schools, 31,124; increase, 3,886; average length of time public schools have been taught, five months; number of male teachers employed in public schools, 896; increase, 150; number of female teachers employed in public schools, 1,118; increase, 263; average wages paid to male teachers in public schools, \$37.07; decrease, \$2.49; average wages paid to female teachers, \$28.98; decrease, 12 cents; total amount paid for teachers' wages in public schools, \$292,719.94; increase for the year, \$88,844.40; amount expended for repairs and incidentals, \$79,343.74; Increase, \$34,025.87; amount received on semi-annual State dividends, \$117,153.65; increase, \$70,451.07; amount received from fines and strays, \$19,259.93; decrease, \$11,630.44; amount raised by direct tax for support of public schools \$428,983.98; increase, \$86,562.28; total amount raised for support of public schools, \$565,311.17; increase, \$136,095.59; number of school houses: log, 348; frame, 606; brick, 35; stone, 224; total, 1,213; increase 260 total value of school houses, \$1,031,892.00; increase, \$218,829.25; total value of apparatus, \$17,118.00; increase, \$5,816.35; amount of U.S. 5-20 bonds sold by the School Fund Commissioners, \$26,000.00; amount received on U.S. bonds, \$29,315.00; amount of State bonds purchased since February last, \$128,500.00; amount paid on bonds, \$119,210.00; total amount of State bonds belonging to the permanent school funds, \$289,450.00.

State University. --- The number of students in attendance at the State University during the year was one hundred and forty-three. Of these, four are in the classical course and twelve in the scientific. The library has been increased by the addition of over two thousand volumes. A valuable astronomical transit was recently donated to the institution, and an observatory wing has been erected.

Agricultural College. --- One hundred and seventy-three students have been enrolled in the Agricultural College during the year. Of these thirty-two are in the classical department. One has been added to the faculty. A large amount of the endowment lands have been sold. A suitable boarding house is very much needed.

Normal School. ---The total attendance in the Normal School for 1869, was one hundred and ninety-eight. Nine graduated at the last commencement. Sixty-seven students taught in public schools during the year. The number of students pledged to become teachers is one hundred and thirty. The institution is in great need of suitable boarding arrangements for the students in attendance.

Upon reading this and other portions of the report of the Superintendent of Public Instruction, it occurs to me that the State of Kansas cannot be regarded as subject to the condemnation implied in the aphorism which recently constituted the platform of a successful political party in the Argentine Republic, "The ignorance of the people is the crime of bad governments." Surely a State which provides so munificently for the education of its youth cannot be reproached for the ignorance of any one.

SCHOOL LANDS.

The Auditor and Superintendent of Public Instruction each calls attention to defects in the laws regulating the sales of school lands. It would seem that some provision should be made to ascertain the number of acres of school land sold under the territorial government before the admission of the State; the amount of money for which it was sold, and whether it all reached the State treasury. It is also desirable to ascertain the whole number of acres sold since the admission of the State; the total amount of principal paid therefore; the number of acres sold each year; the amount of principal paid on the year's sales; the average price per acre, and the number of acres of school lands remaining unsold in each county which is organized.

PUBLIC INSTITUTIONS.

The State Capitol. --- I recommend that an appropriation be made sufficient to complete the finishing and furnishing of the east wing of this building, and for such improvement of the grounds as you deem proper to order.

Penitentiary. --- It is indeed gratifying to learn from the annual report of the Directors and Warden of the State Penitentiary, that of the appropriation for current expenses and building purposes, there is a balance of cash on hand, instead of the time-honored "deficiency" which has been annually reported from that institution from its foundation; and that the current expenses have exceeded the receipts but (\$10,259.95) ten thousand two hundred and fifty-nine dollars and ninety-five cents. It is further stated that upon the completion of some shops the institution can be made self-sustaining. I recommend that it be placed upon that basis as soon as possible. The value of personal property exceeds that held Nov. 30th, 1868, by (\$20,510.42) twenty thousand five hundred and ten dollars and forty-two cents. The number of prisoners confined there Nov. 30th, 1869, was one hundred and eighty-six, being an increase of sixteen over last year. The estimates reported for this year are as follows: for current expenses, fifty-seven thousand one hundred and fifty-three dollars and thirty-five cents; for building purposes, thirty-six thousand two hundred and sixty dollars and thirty-five cents.

Insane Asylum. --- The whole number of patients in this institution is thirty-one. There were fifty treated during the year; eighteen were discharged, and one died. The Trustees' estimate for the year: current expenses nine thousand dollars; for pay of officers and assistants, six thousand two hundred dollars; for repairs, fencing, orchard, erecting barn, &c., three thousand one hundred and sixty dollars. The Trustees and Superintendent also state that further buildings are necessary.

Blind Asylum. --- The number of pupils in attendance during year was twenty, of whom thirteen were in attendance last year. Two have been discharged, and one has died. The Trustees estimate for current expenses for this year, eight thousand six hundred dollars; for completing building, erecting workshop, and furnishing additional school apparatus, six thousand dollars.

Deaf and Dumb Asylum. --- There were thirty-four pupils in attendance during the year, ten new ones being admitted. The Trustees' estimate for current expenses and payment of salaries, &c., amounts to seventeen thousand dollars. They also recommend the appropriation of twenty-five thousand dollars for the erection of the east wing of the Asylum.

FIFTEENTH AMENDMENT.

The report of the Secretary of State will show that there was a verbal inaccuracy in the recitation of the Fifteenth Amendment to the constitution of the United States, as incorporated in the resolution of ratification passed by the legislature at the last session. I recommend that you rectify the mistake and promptly ratify the amendment, which is soon to become a part of the fundamental law of our nation---abolishing distinctions as to the political rights of our citizens, which have no other foundation than the prejudices of race, and relieving judges of election from the responsible duty of inquests as to the existence of a "visible admixture" of the blood of any proscribed race. This is a great step towards true republicanism.

The present seems also a fitting time to take steps for the removal of restrictions placed by our State constitution upon the political privileges of some of our citizens for participation in the late rebellion, desertion or dishonorable dismissal from the army. These restrictions were probably justifiable only so long as the public safety demanded that they be made. The civil law holds out even to the penitentiary convict, the hope that for good conduct during incarceration and evidences of reformation, he may be restored to civil and political rights. The State which has made such a glorious record in the struggle for freedom and nationality, can afford to be magnanimous to the adherents of the late rebellion, and to those who permitted their patriotism to flag to such a degree as to involve them in dishonor and recreancy to duty. The theory of our government is to regard each citizen as an equal member of the State, vested with certain important and active rights, and charged with duties and responsibilities coextensive therewith. Naught but consideration for the public safety will justify the State in depriving the citizen of those rights, or in relieving him from those duties and responsibilities.

MILITARY AFFAIRS.

Last spring, becoming apprehensive of Indian outrages on the western border of the State, I visited Gen. J. M. Schofield, commanding the Department of the Missouri, and requested that he would station troops of cavalry at various points along the border; but he informed me that he was unable to do so, for the reason that he had so few troops under his command, and that they were constantly changing, their movements being in consequence of the consolidation of regiments then being effected. He stated, however, that he would do all that was possible with the limited number of troops at his command, and he being also apprehensive of danger to the settlers on the border, advised me to raise the second battalion of militia. I visited the border, and becoming satisfied that our apprehensions were well founded, I ordered the recruiting commenced, and, returning to Fort Leavenworth, requested General Schofield to order detachments to the points which I designated, to remain until the militia battalion was raised and stationed. To this he assented, and ordered the detachments to march at once. One of them had some difficulty in finding its destination, and being en route, happened to reach Saline River at the time of the massacre there, and probably averted further disaster.

Upon the beginning of these raids, General Schofield at once ordered out all his available troops, mounting and arming as cavalry the light artillery in the school of practice at Fort Riley. To his efforts, and to those of General Carr and the gallant officers and soldiers under their command, and to our battalion of State militia, are we indebted for immunity from further outrages.

The policy of moral suasion adopted by the general government, beautiful as it is in theory, has been of no benefit to us, as the vagrant outlaws who roam the plains all summer seeking opportunities for the perpetration of the most horrible murders and nameless outrages, merely avail themselves of the "humane policy" to secure protection and sustenance for their squaws and other non-combatants, while they pursue the horrible vocation to which they are trained from infancy, and which seems so congenial to their villainous natures. To afford that protection to its own citizens which it is in duty bound to afford, the general government should force these merciless and remorseless savages, dismounted and disarmed, upon their reservations, there to be held by military power, and subsistence furnished them until they can be learned to work or to subsist in some other way than by murder and rapine. To effect this a considerable military force would be requisite, and I recommend that you remonstrate against any further reduction of the army, until it is demonstrated that the Government of the United States is able and willing to protect its citizens from a constant aggressive warfare, waged in the very heart of its territory by an enemy which utterly contemns its power.

It is the public sentiment of the East which is at fault in this matter; and a remonstrance of this kind by you would show our eastern fellow-citizens that the entire State is in sympathy with the distant border when the hardy pioneer and his helpless family are menaced by savages, and that we would prefer to see more of the troops we help to support sent there rather than such representatives of highly respectable imbecility as the one who traveled through the West a short time last summer, professing to have official sanction for the "philandering," and who wheedled an eastern magazine into publishing his falsified narratives and maudlin disquisitions on philanthropy. I will leave this subject by stating that it is of the utmost importance to the prosperity of the whole State that our frontier be protected from hostile incursions.

For a fuller and more complete statement concerning military affairs, I refer you to the report of the Adjutant General. I will add, however, that I made every possible effort to have more United States troops sent to the frontier, and to get authority to raise volunteers for the United States service last summer.

AGRICULTURE, COMMERCE AND MANUFACTURES.

Those of our citizens who have been engaged in agricultural and horticultural pursuits, have met with that decided success which may ever be hoped for from the application of intelligent labor, under conditions so favorable, as to genial climate and generous soil. The unprecedented growth of population, and the rapid increase of surplus products, demand that your attention be given to the problem of procuring adequate facilities for the transportation of our heavier and more bulky products to the markets of the world.

The rapidly extending railway system meets the demand of the public for the purposes of travel, and the transportation of the lighter and more valuable commodities, even for great distances, but it is a well ascertained fact that grain, for instance, cannot be profitably sent by rail to a distant market. It is demonstrable that transportation by water is vastly cheaper than is possible by railway. This being the case, it behooves us to look for some water line, whereby we can cheaply place our heavy products upon the Atlantic seaboard for distribution there or transmittal to foreign markets. There exist, it is true, routes via the Missouri, Mississippi and Illinois rivers; the Illinois and Michigan canal; the great lakes of the north, and the Erie canal and Hudson river, or the Welland and Lachine canals, of Canada, and the St. Lawrence river. The objections to these routes are that they are very circuitous; that they involve the cost of many transshipments and the payment of tribute to Illinois, the Dominion of Canada, and the State of New York. Moreover they are closed by ice during a large portion of the year, and rendered dangerous and doubly expensive by tempestuous weather during the season when it is most desirable to move crops; nor can these routes be used without passing through or along the borders of the dominion of a foreign government, thus making their use contingent upon amicable relations with that government. There is also another route reaching the Atlantic by water, via the Missouri and Mississippi rivers to the Gulf of Mexico, thence through the Florida pass to the ocean; but this route has nearly or quite as many objections as the northern ones, through the lakes. This line is also a very long one, and it passes through a climate quite unfavorable to the preservation of most of the products of this latitude. Transshipment at the gulf is also necessary, and the dangers of navigation in the vicinity of Florida Keys and the Bahama Banks are so great that insurance on voyages that way ranges as high as two and a half per cent on the value of vessel and cargo.

It is the duty of the national legislature to see that a route is provided from the interior to the sea, which will not tax the labor of the working man seventy-five per cent simply to furnish transportation for the resulting product. In view of these facts and others, which furnish reasons equally cogent, I deem it eminently fit and proper that you should memorialize Congress, asking that as a national enterprise, the James River and Kanawha Canal be enlarged and completed in such a way as to connect the navigable waters of the Ohio and James rivers, thus affording means of transit by water from the navigable streams of the interior to the Atlantic ocean, without the necessity of transshipment, and without risk from climate, tempest or alien enemy, and at a cost for transportation vastly less than that which is entailed upon us by the inefficiency of the present lines of communication.

Our geographical situation should interest us in the prosecution of this work, for when it is completed barges may be loaded at Leavenworth, Atchison, Wyandotte, or any point on the Missouri river-or upon the Kansas river, if some improvements be made for its navigation-and the barges thus freighted could be towed by steam to the head of navigation on the Kanawha river, thence passed through the canal as canal boats to tide water in Chesapeake Bay, whence access is easy to the best markets, both foreign and domestic. The barges could be returned to the West freighted with such commodities as may be in demand here. It seems to me that the opening of such a line would greatly enhance the value of all our domestic products, and cheapen such articles as we find necessary or desirable to bring from a distance. As a consequence of these advantages the price of real estate would be greatly advanced, and labor made more productive.

I make this suggestion, not unmindful of the facts that it is our duty and interest to produce or manufacture everything that we can profitably, and that manufactures of many kinds are being established within our borders; yet the capabilities of this State for production are so great that we must ultimately look to distant markets, and devise ways and means to place our products there safely and economically. It is to the interest of all, whether engaged in production or traffic, that this be done; for whatsoever adds to the prosperity of consumers, increases demand in proportion as the power to purchase is augmented. Additions to the revenues of farmers, manufacturers and traders enable them to employ professional men and laborers at an increased remuneration. Thus are all benefited by the easy and cheap transit to the best markets of those commodities which are necessary to the comfort and convenience of mankind.

RAILROADS.

I cannot rehearse here all that has been accomplished in the construction and projection of railroads; suffice it to say that it has exceeded the most sanguine expectations, and that a number of lines are now being laid at such a rapid rate that it is possible only to approximate to the number of miles now in use, which must be at least nine hundred. This fact, with a certainty of the rapid construction of over three hundred miles more, and the probabilities connected with the many feasible projections, give cheering evidence of our progress. No other agency tends so much to the development of the unsettled portions of the State, and the protection of the distant frontiers, as the building of railroads. It is to be hoped that the railroads to be constructed through the undeveloped portions of the State may receive land grants from the general government, made in such terms as to protect the rights of the pioneer settlers, and yet enlist capital in the construction of the roads. The advantages of railroads to portions of the State already partially developed, are daily made more apparent by promoting the discovery and availability of new sources of wealth—quarries of building stone of extraordinary qualities, marbles of beauty unsurpassed, mines of coal and mineral pigments of excellent quality, salt, gypsum, and numerous other commodities, the presence of which was before unknown or but little regarded.

The building of the great railroad bridge at Leavenworth city is progressing satisfactorily. It is being made a structure consonant with the richness and beauty of its surroundings, and of utility equal to the demands which bid fair to make Kansas the highway of the continent, Leavenworth city the commercial emporium of the Missouri valley, and Fort Leavenworth the future Capital of the United States.

THE NEUTRAL LAND QUESTION.

Early last spring complaints began to reach this office from civil officers and citizens of the counties of Cherokee and Crawford, concerning outrages growing out of the controversy in relation to the title of the tract known as the "Cherokee Neutral Lands." These parties were uniformly referred to the local civil authorities for protection from outrage, and to the Courts for redress of grievances, and complainants were informed that I would not assume judicial functions and pretend to decide as to the subject matter of the controversy, that being a question for the decision of the United States authorities. But there were told further that if the county officers who were charged with the execution of the law, the preservation of the peace, and the protection of persons and property, should certify to me their inability to perform their duty, by reason of forcible resistance too strong for them to overcome, the duty would then devolve upon me to see that they were furnished with a force sufficient to enable them to perform their official functions.

During the month of May, official certificates were received from the sheriffs of both counties, setting forth their inability to preserve the peace, protect persons and property, or to execute the mandates of the law, because of forcible resistance to their authority, and making formal requisition for military assistance. Upon receipt of these papers I issued the proclamation of the 31st of May, rehearsing statements set forth in the certificates, and enjoining all the people within the counties aforesaid to yield due obedience to the officers of the law, to cease all acts of violence and lawlessness, and to look to the property constituted authorities for the redress of grievances. And inasmuch as the controversy grew out of the fact that the disputed title had its inception in a treaty of the United States, I applied to General J. M. Schofield, commanding this military department, and to his Excellency, the President of the United States, asking that a detachment of troops be sent, under charge of a discreet officer, with instructions to take no part in the controversy as to title, but to assist the civil officers in the preservation of peace, and the protection of citizens, until the question as to title could be settled by the proper authority.

The request was complied with; the troops were sent; they are there now. I have refused to request their withdrawal, for the reason that the controversy is still unsettled, and I believe their presence conducive to the peace and consequent prosperity of the locality in which they are stationed.

IMMIGRATION.

Though the legislature failed, at the last session, to take any action to induce immigration, yet the last year has made accessions to our population great in number and eminently satisfactory in character. This is highly beneficial to every interest in the State, and no effort should be remitted which tends to the increase of population. There is room here and sustenance for millions. With sympathies as broad as humanity, we should invite the citizens of every State, the sons of every nationality. With charity like that inculcated by the immortal Lincoln, we should welcome our antagonists in the late war, and all who come to make their homes with us.

Last September I published a circular addressed to the township trustees of the State, requesting them to forward to my office, for publication, statistics concerning crops, lands, &c., such as would be of interest to those contemplating a change of location. Here being no law requiring such report and no provision for the payment of the expenses incurred by the Trustees while procuring the statistics, few responses to the circular were forwarded, and the compilation and publication will not be made.

The statistics to be collected by the United States census the present year will speak "trumpet tongued" in our favor, proving to the world the productive power of our soil and the rapid development of all our industrial interests. Railroad companies and auxiliary organizations are doing a great and good work in inducing immigration and improvement. Enterprising real estate firms deserve great credit for industry and liberality in making known the many and great advantages which this State affords to the immigrant.

The success of the State Horticultural Society in the national fruit exhibition will cause the immigration to this state of large numbers of the best of citizens, and the gentlemen who achieved this success at their own expense should be reimbursed.

PURCHASE AND DISTRIBUTION OF SEED WHEAT.

In pursuance of "an act authorizing the Governor of the State of Kansas to purchase and distribute wheat to destitute citizens on the western frontier," approved March 1st, 1869, I appointed Hon. John K. Wright, of Davis county, as the agent provided for in the said act, to make the purchase and distribution as required by the law. His report has been received and will be laid before you. The distribution was made in due time; the wheat was sown by the recipients, and yielded large crops of excellent grain.

INSURANCE.

This has become a business of immense importance in this State, and I do not deem our present laws on this subject sufficient to secure the interests of policy-holders in all instances. It would seem that there should be a law to compel every company doing business in this State to furnish incontestable evidence of adequate paid up capital, and to make investments or deposits sufficient to secure policy-holders. I am not familiar with the insurance business, but if the passage of such a law seems feasible and just, I recommend that it be done, and that investments, to a certain limited amount, in Kansas State stocks be required of every company doing business in this State.

CREDENTIALS OF MEMBERS OF CONGRESS.

I am in receipt of a circular letter of date March 25th, 1869, from Hon. Edward McPherson, clerk of the House of Representatives of the United States, in which he states that it will greatly facilitate the preparation of the roll of Representatives elected to the Forty-second and subsequent Congresses if the Governors of the several States would send to the Clerk of the House of Representatives, copies of the certificates of election of the successful candidates, or in some other official manner, inform him of the names of the persons duly elected.

There is no law in this State authorizing the Governor to give such certificate or notification, and as an attempt was once made, by a former clerk, to exclude from the roll the name of a representative from this State on account of the omission of such formality, I recommend that measures be taken to obviate this difficulty. The circular is transmitted herewith.

CLAIMS FOR INDIAN DEPREDATIONS.

To comply with the provisions of "an act to provide for the settlement of the losses sustained in the years 1867 and 1868, by the settlers on the western frontier, from Indian depredations," approved March 3d, 1869, I appointed Hon. Z. Jackson, of Ellsworth county, Edson Baxter, Esq., of Saline county and James F. Tallman, Esq., of Washington county, as the Commissioners provided for in the act, and charged to audit and report the claims for losses. They made their report at the time required and it was forwarded to our congressional delegation as the law provided.

VACANCIES IN SHERIFFS' OFFICES.

I recommend that where vacancies occur in the office of sheriff, no under sheriff having been appointed, as required by law, authority be given for the Governor to appoint a sheriff to fill the vacancy until an election can be held in pursuance of law.

NATIONAL CEMETERY.

Under date of September 14th, 1869, Gen. W. T. Sherman, then Secretary of War, wrote to me, making the request that at such time as I deemed proper, application be made to the State Legislature for its assent to the purchase of land already made by the United States under the act of Congress of February 22d, 1867, for the purposes of a National Cemetery at Fort Scott, Kansas, and for the cession of exclusive legislation over the same, as required by Section (8) eight, Article I of the Constitution of the United States; subject to the provision of Section 1 of the act of March 2d, 1795. The letter will be laid before you. I recommend that the assent requested be given and the cession made.

REPORTS.

I recommend that authority be given by law for the printing of the reports of State institutions in advance of the meeting of the legislature, and for the printing of a limited number of the reports of each of the State officers, and of the Governor's Message, separately. The confusion incident to the transfer of the executive departments, and the want of sufficient clerical force, has delayed some of the annual reports.

CONCLUSION.

Though republic States are authorities instituted by the people, and charged only with care for the temporal welfare of their citizens, yet it is incumbent upon us to wield for a brief time, the power of the people, to exercise that power in such a way that we may hope for the approbation of "Him who giveth every blessing, and whose goodness has crowned the year with peace and plenty."

JAMES M. HARVEY.

TOPEKA, January 11, 1870.