

**ANNUAL MESSAGE**  
 OF  
**JAMES M. HARVEY,**  
**GOVERNOR,**  
 TO THE  
**LEGISLATURE OF KANSAS.**  
**1871.**  


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**MESSAGE.**  


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*Gentlemen of the Senate and House of Representatives:*

The people of Kansas look to you with well-founded hopes for the creditable discharge of duties of the greatest importance. You are chosen to legislate for a State which exceeds all the others in the rate of increase in population, wealth and power. Though peace and prosperity prevail throughout our borders, and development is now the order of the day, you can do much to accelerate the growth of the State, mentally, morally and materially. I transmit herewith the reports of the State officers, and of such of the Public Institutions as have been received. I also proceed to communicate such information as I have concerning the condition of the State, and to make such recommendations as I deem proper.

**FINANCE AND TAXATION.**

From the following tabular statement will be seen the financial condition of the State, as shown by the reports of the Auditor and Treasurer:

**LIABILITIES.**

6 per cent. Bonds, Funding Territorial Debt.....	\$61,300
6 per cent. Bonds, Refunding Taxes.....	39,675
7 per cent. Bonds, Current expenses 1861 and 1863.....	204,000
7 per cent. Bonds, Internal Improvements .....	70,000
7 per cent. Bonds, Capitol Building.....	320,000
7 per cent. Bonds, Penitentiary Building.....	260,000
7 per cent. Bonds, Deaf and Dumb Asylum.....	15,500
7 per cent. Bonds, Insane Asylum.....	20,000
7 per cent. Bonds, Military.....	346,000
10 per cent. Bonds, Agricultural College.....	5,500
Outstanding State Warrants.....	239,646 04
Outstanding Territorial Warrants.....	7,342.73
Overpaid by Counties.....	4,342.75
 Total Liabilities.....	 \$1,593,306.52

RESOURCES.

Tax levy 1870, General Revenue and Sinking Funds.....	\$601,531.29
Tax levy 1869, do do do .....	68,909.10
Tax levy 1868, do do do .....	44,729.93
Tax levy 1867, do do do .....	42,437.28
Tax levy 1866, do do do .....	7,919.46
Tax levy 1865, do do do .....	14,595.21
Tax levy 1864, do do do .....	9,644.78
Tax levy 1863, do do do .....	11,025.18
Tax levy 1862, do do do .....	14,240.16
Tax levy 1861, do do do .....	10,328.96
Amount in Treasury.....	4,597.46
Amount in Treasury, Military.....	8,870.21
Amount of Sinking Fund invested in Bonds.....	66,900.00
Total Resources.....	\$905,729.02
Excess of Liabilities over resources.....	\$687,577.50

It will be gratifying to perceive that the liabilities have decreased since the preceding report \$274,280.01, and that the whole amount of warrants outstanding is but \$239,646.04, which will be entirely taken up during this month, leaving a considerable balance in the treasury. The receipts of the treasury for the fiscal year were \$1,423,696.17, and the disbursements \$1,367,611.92, leaving a balance in the treasury of \$60,347.14, belonging to the several funds to which it has been set apart by law.

Satisfactory financial status can only be attained and continued by making appropriations economical, levies adequate, and collections prompt and impartial. The power of taxation has been termed the vital power of government. It was said by a British statesman that as soon as it was ascertained that in England the House of Commons held the taxing power, that legislative body became the goal of ambition. Here, so far as the State is concerned, this power resides in the Legislature, having been so placed by the people through the adoption of a written constitution, which prescribes the extent of the power and its limitation, recognizes the right and imposes the duty of its exercise. That instrument makes it the imperative duty of the Legislature to "provide each year for raising revenue sufficient to defray the current expenses of the State," and to provide for levying the annual tax sufficient to pay the annual interest of the State debt, and the principle thereof when it shall become due. These duties have been neglected in some former years, consequently the present and the future are charged with burdens which should have been borne by the past. However, as has been shown, the scrip left outstanding by the inadequacy of former levies for current expenses, will all be redeemed at the pending settlement, and a considerable balance left in the treasury. This is very encouraging, and shows that by wise economy in appropriations, and a fair and adequate levy, we may obviate the necessity that has so long existed for carrying on the business of the State, by placing on the market treasury warrants, protested for want of funds to pay them. Such necessity has been a grievous one to the employees of the State and to the tax payers, and beneficial only to the dealers in securities.

The report of the Auditor contains some well calculated estimates of the annual levy requisite for the payment of the annual interest on the State debt and the principal upon maturity. It will be seen therefrom that the interest fund is still insufficient for the anticipation of that semi-annual payment of interest which the law requires to be made in New York on the 1st of January of each year. Default in meeting this demand promptly would be greatly detrimental to the credit of the State; therefore, the Treasurer is yearly compelled to borrow, without authority of law, a portion of the sum necessary to pay the interest, while the levy made for that purpose is being collected. A slight increase of the interest fund would remedy this difficulty.

You will also observe from examination of the Auditor's report, that a portion of the State debt is approaching maturity; hence, an additional reason for urging compliance with the constitutional requirement governing the creation and application of the sinking fund. The credit of this State now stands high, and strict obedience on our part to the fundamental law relative to finance and taxation, will not only maintain and augment that credit, but will merit and secure the approbation of the people whom we serve.

#### ACCOUNTS, RECORDS, SAFES, ETC.

I am informed that during the summer of 1868, the appropriation for the current expenses of the State Penitentiary having been exhausted, the Board of Directors, with the approval of the State officers for that term, borrowed from the Penitentiary building fund, the sum of \$3,270.71, the gentleman who was then Warden giving his note to the State Treasurer for that amount, which was expended in meeting the current expenses of the Institution. There being no law authorizing such expenditure, the Auditor could give no warrant on the treasury for the amount; consequently the note was turned over by the State Treasurer for that term to his successor, and by him to the present Treasurer. I recommend that a bill be passed recognizing the facts in the case, cancelling the note, and removing this anomalous feature from the accounts of the State.

The Treasurer, in his report, calls attention to the necessity for additional clerical force in that office, or the office of the Adjutant General, to record in books the pay rolls of the Price Raid expedition, and the orders and receipts upon which the scrip was issued by him and his predecessors in office.

He also calls attention to the insufficiency of the safe in his office, provided for the security of the funds, bonds, books and valuable papers belonging to the State.

I recommend that provision be made by law for clipping and cancelling, at maturity, the coupons of bonds belonging to the sinking fund, and the application of the money so accruing to the purchase of additional bonds for that fund. I also recommend that a law be enacted authorizing the Treasurer to pay to the Board of Regents of the State University, the interest accruing upon the State bonds belonging to the University fund; such payment has been made heretofore, but should be properly authorized.

#### ASSESSMENTS.

The Auditor calls attention to the fact that the Supreme Court has decided against the constitutionality of the law which provides for an appeal to that tribunal from the county clerks sitting as a board of assessment for railroad property. He also comments upon the fact that the property of the State is rated very far below the cash valuation--a condition which benefits no one, but conveys a false impression by an unseemly ratio between the reported valuation and the amount of the levy.

I recommend the enactment of a law providing for an equitable system of assessment, comprehending all the property of the State constitutionally liable to taxation at its cash value, giving the Auditor power to require evidence before allowing abatement of an account for double and erroneous assessments, and otherwise, as far as possible, guarding against delinquents shifting any portion of the burden with which they are justly chargeable to the shoulders of the prompt tax payers.

#### EDUCATION.

The following statistical summary I extract from the Report of the Superintendent of Public Instruction:

Number of School Districts.....	2,068
Increase for the year.....	361
Number of Reports from District Clerks.....	1,950
Increase for the year.....	329
Number of male persons between the ages of 5 and 21.....	52,254
Increase for the year.....	4,247
Number of female persons of school age.....	56,989
Increase for the year.....	12,479
Total number of persons of school age.....	109,244
Increase for the year.....	16,727
Number of male persons enrolled in Public Schools.....	32,183
Increase for the year.....	1,986
Number of female persons enrolled in Public Schools.....	31,035
Increase for the year.....	2,551
Whole number of persons enrolled in Public Schools.....	63,218
Increase for the year.....	4,537
Average daily attendance in Public Schools.....	39,401
Increase for the year.....	8,277
Average length of time School has been taught.....	5.2 months.
Increase for the year.....	.2 months.
Number of male teachers employed in Public Schools.....	1,079
Increase for the year.....	180
Number of female teachers employed in Public Schools.....	1,161
Increase for the year.....	43
Average wage paid to male teachers in Public Schools.....	\$ 39.60
Increase for the year.....	2.53
Average wage paid to female teachers in Public Schools.....	31.10
Increase for the year.....	2.12
Amount paid for Teacher's Wages.....	\$318,596.31
Increase for the year.....	25,866.37
Amount expended for Repairs and Incidentals.....	98,644.33
Increase for the year.....	19,300.57
Amount received on the semi-annual dividend of State School Money.....	139,957.37
Increase for the year.....	23,721.57
Amount raised by District Tax for the support of Public Schools.....	\$518,323.85
Increase for the year.....	89,339.87
Total amount derived from various sources for Public Schools.....	673,041.41
Increase for the year.....	107,730.24
Number of School Houses: log, 352; frame, 864; brick, 46; stone, 239. Total.....	1,501
Increase for the year.....	288
Total value of School Houses.....	\$1,520,041.40
Increase for the year.....	488,147.40
Total value of Apparatus.....	13,082.80
Amount of State Bonds purchased for the year.....	101,675.00
Amount of Lawrence University Bonds purchased.....	50,000.00
Amount paid for Bonds purchased for the year.....	142,604.50
Total amount of interest bearing Securities of permanent School Fund deposited with the State Treasurer for the year.....	151,675.00
Total amount of interest bearing Securities of permanent School Fund deposited with the State Treasurer.....	441,225.00

For a full and satisfactory report of what has been accomplished for the cause of education by our common schools and higher institutions of learning, the State University, the State Agricultural College, and the Normal Schools, I must refer you to the report of the Superintendent, where you will find full information as to their work and their wants. You will also find there reports of various of the denominational institutions of learning in the State, and much information relating to the subject of education in general.

## SCHOOL LANDS.

The Auditor and Superintendent of Public Instruction each make suggestions, which I recommend to your attention, relative to amendments to the law regulating the sale of the school lands, and the manner of reporting the sales and accounting for the proceeds.

The Superintendent gives also a detailed statement of the questions relating to school lands on the Osage Reserve. In addition to the correspondence published in his report relative to the matter, I addressed the following letter to the Secretary of the Interior:

TOPEKA, October 17, 1870.

*Honorable J. D. Cox, Secretary of the Interior:*

DEAR SIR: Accompanying this you will find a communication from Hon. Peter McVicar, Superintendent of Public Instruction for this State, in which he asks your attention to certain laws and rulings concerning the rights of the State to the 16th and 36th sections of the Osage lands. I agree with him in the inference that it was the intention of the lawmaking power, by the joint resolution approved April 10, 1869, to grant to the State the 16th and 36th sections of each township of all the Osage lands in the State included in said resolution; and the rulings and instructions of the Land Department proceeds upon that assumption, until your ruling of August 26, 1870. I also agree with him in the belief that, though it may be possible that the joint resolution of April 10, 1869, is defective through inadvertence, yet the attention of the law-making power is made evident and effective by section 12, of the act approved July 15, 1870, which clearly reserves to the State, for school purposes, the 16th and 36th sections of all the lands of the Osage Indians in Kansas, expressly "including the trust lands north of the present diminished reservation." And this grant is made without any reference to the act of January 29, 1861, or any other act which can be construed as qualifying the grant or raising any questions as to the technical import or application of the term "Public Lands." Hoping to receive an early and favorable reply, I remain,

Very Respectfully,  
Your Obedient Servant,

JAMES M. HARVEY.

To which the following reply was received:

DEPARTMENT OF THE INTERIOR,  
WASHINGTON, D. C., October 17, 1870.

SIR: I have received your letter of the 17th instant, accompanied by one from P. McVicar, Esq., Superintendent of Public Instruction, in regard to the construction to be placed on the 12th section of the act of July 15, 1870, under which, as I understand, you claim as granted to the State of Kansas, the 16th and 36th sections within the Osage trust lands and their diminished reserve. In reply, I have the honor to state that, whenever the Osage Indians shall, in such manner as the President shall prescribe, agree to remove from the State of Kansas to a permanent home in the Indian Territory, and this Department shall be duly advised thereof, the frights of the State under this section will be carefully considered, and you will be informed of its decision.

Very Respectfully,  
Your Obedient Servant,

[Signed,]

J. D. COX,  
*Secretary.*

*His Excellency JAMES M. HARVEY, Governor of Kansas, Topeka, Kansas.*

## PENITENTIARY.

This Institution is now in a far better condition than ever before, both as regards its financial interests and its reformatory methods and discipline.

The arrangements of the buildings for their different purposes, the system adopted to make the labor of the convicts available, and the sanitary regulations, are all the best that circumstances will permit, and I regard the whole as creditable to the State and to those having charge of the Institution. The healthful appearance of the convicts, and the orderly and industrious manner in which they prosecute their allotted tasks, cannot escape observation.

The report of the Institution is very full and complete, containing a vast amount of statistical information and valuable suggestions, to which I ask your attention. The Directors and Warden estimate the current expenses at \$45,357.50. This would leave the earnings of the Institution to be applied to necessary permanent improvements. They are

engaged in the construction of additional cells by convict labor, but need \$1,616 for the purchase of iron and other material not available upon the grounds belonging to the prison. The number of convicts in confinement November 30, was 209, an increase of twenty-three since the last report. There have been no escapes during the year, but one death, and little sickness--facts which speak louder than words in favor of the management of the prison.

#### BLIND ASYLUM.

The number of pupils in attendance at the Asylum during the year was twenty-three. The Trustees and Superintendent recommend that necessary clothing be furnished to indigent blind persons to enable them to become pupils. They also recommend an appropriation for the erection of a building to be used as a workshop and to contain sleeping apartments for the boys. The estimate for current expenses is \$10,368.30. The report of the Superintendent is full of valuable information concerning the institution and its workings which I doubt not will receive your careful attention.

#### INSANE ASYLUM.

The number of patients under treatment during the year was ninety-three; the number in charge at the close of the fiscal year was forty-one--an increase of ten over the previous year. The Trustees estimate the current expenses for the present year at the sum of \$13,352, including the pay of officers and employees.

In connection with this institution seems to exist a necessity, more imperative than any other, for the erection of a building affording room for the accommodation and treatment of an additional number of patients. I have satisfied myself by personal inspection that the present building, though admirable in its arrangements, is not of adequate capacity for the demands properly made upon it, and that a number of individuals of the class of unfortunates entitled to admission and treatment there are of necessity excluded, to their detriment, to the danger of other individuals, and to the discredit, as well as to the loss of society; for it is certainly blameworthy to permit citizens who are, by reason of mental alienation, irresponsible for their actions, and incapable of caring for themselves, either to roam at large without treatment or restraint, or to be confined in jail like felons. Dr. Gause, the Superintendent, states that under Asylum treatment about eighty per cent. of the recent cases are returned, restored to reason, to their friends and to their duties in society. Dr. Abercrombie and other eminent authors who have treated upon this subject, also testify to the great efficacy of Asylum treatment in such cases. True economy, as well as humanity, seems to plead for adequate facilities for such treatment as will make the expensive, irresponsible and dangerous unfortunates again useful and honored members of society.

It is also necessary to provide for the keeping of criminals who become insane, and are sent from prison to the Asylum. They should be kept separate and apart from the other patients, as the influence of association with them is necessarily bad.

The Trustees ask an appropriation of \$40,000 for the erection of another wing of the building that they may be enabled to accomplish these purposes.

#### DEAF AND DUMB ASYLUM.

The whole number of pupils reported during the year 51. In actual attendance, 41. The Trustees estimate the current expenses of the Institution at \$16,500. They ask for an appropriation of \$25,000 for the erection of an additional wing to the building. I visited the Asylum during the last term, and saw gratifying evidence of good management and of rapid improvement and proficiency on the part of the pupils.

## MILITARY AFFAIRS.

Our frontier settlers have enjoyed an unusual exemption from assaults by savage Indians from the plains, for which we are largely indebted to the exertions of General John Pope, commanding the department of the Missouri. Immediately upon assuming command he was informed by me of the situation, and proceeded to send all the available troops to the frontier, stationing detachments at the most exposed points, and retaining reserves for the pursuit of marauding bands of savages then roaming over the great plains west of our frontiers, placing the whole force under the immediate command of Gen. Cluster. Col. Whittaker, Adjutant General of the State, was also indefatigable in organizing the frontier settlers, and providing them with arms and ammunition for their protection. The only citizens within the State known to have been killed by Indians this season, were three settlers upon Limestone creek, in Mitchell county. They were well provided with arms and ammunition, but had negligently left their weapons at home and gone to work at a distance from the house, at a time when that portion of the frontier was very much exposed. For a more detailed statement of matters relating to military affairs, I beg leave to refer you to the report of the Adjutant General.

## SUFFRAGE.

In my last annual message I recommended that steps be taken for the removal of disabilities imposed by our State constitution for participation in the late rebellion or dishonorable dismissal from the army. Legislation was attempted with that view, but, through inadvertence, failed to become effective. I now renew the recommendation. Correct public policy would seem to teach us, in the practical administration of our government, to approximate as nearly as possible to the theory upon which it is founded, and not to continue in times of profound peace and tranquility, restrictions upon the civil or political civil war. Now, when victory has brought assured unity, and passions and feelings of hostility to rightful authority have passed away, magnanimity and clemency are as much in keeping with the character of a great people as valor in time of war.

I have never been able to perceive the necessity for, nor justice of, excluding from the suffrage good citizens of mature judgment and patriotic purposes, simply because they were not "white males." A part of this peculiar qualification has been dispensed with lately, and I think the other part soon will be, without arousing much political or personal rancor. But let us not forget that the best reforms are sometimes injudiciously advocated, as well as thoughtlessly opposed. Reform in this matter is no longer regarded as a dangerous innovation, and the principal argument urged against it is the alleged disinclination of the greater portion of the disfranchised to exercise the right of suffrage.

## AGRICULTURE, COMMERCE AND MANUFACTURES.

A necessary element in a civilization sufficiently progressive to satisfy the people who are populating Kansas is the contiguity of the enterprising rural settlements, so actively engaged in agricultural pursuits, with cities and towns where manufactures, or other means of producing capital, are prosecuted with equal energy; so that the conjunction may result in trade mutually profitable, and lead to the extension and constant improvement of the cultivated area, as well as to combined efforts to facilitate the transportation of the persons and products necessary to a profitable commerce with distant communities. Every improvement or multiplication of the avenues of communication is of great utility, as it increases traffic and builds up new industries within the State. Much has been accomplished of late in this respect, but much remains yet to be done. Manufacturing and mining enterprises have been started and successfully prosecuted in various portions of the State, and numerous lines of railway have been constructed and placed in successful operation, while many others of equal importance

are in process of construction or in contemplation. This State is already recognized by high commercial authority as the natural distributing area between the east and the west and southwest. Upon the completion of certain public works, necessary to the material prosperity of the nation, the advantages of our situation in this respect will be still more apparent.

I am informed by a distinguished engineer and scientist, who has spent years in explorations and surveys of the western mountains, that a route for a Pacific Railway has been discovered which is much more eligible than the others. Running near the 36th parallel of latitude, it is much more direct, and in a better climate, and passes through more arable land. By the use of a suspension bridge, the great canyon of the Colorado can be crossed at an elevation above the river sufficient to permit the road to follow a succession of plateaus, or comparatively elevated valleys, thus avoiding much of the minor undulation so detrimental to a great thoroughfare, with a patronage requiring a full equipment and a heavy freight business. Kansas has a deep interest in the construction of such a road, a concomitant of our already great system of railways, and as a supplement to an uninterrupted line of transportation by water from Kansas to the Atlantic seaboard, for which the last Legislature memorialized Congress, and for which a preliminary survey has been ordered, (and is being made) with a view to provide for the carrying of freight to and from the heart of the continent without breaking bulk, by the cheapest known mode of conveyance, over a thoroughfare which cannot be monopolized, and which is wholly within the territory of the United States, consequently giving rise to no international complications as to the right of navigation.

The great railroads now being constructed and projected southwardly through this State are also of great importance, in view of the commercial relations existing and in anticipation with the States and Territories south of us, and ultimately with Mexico, and through the Gulf and inter-oceanic canal with world at large.

These and other great public works, with the improvement of natural channels, will give us the advantage of choice of markets and modes of transportation, a healthful competition between common carriers, obviating breakage of bulk, (except where profitable to make available cheaper transportation,) and removing many other obstacles to commercial operations. The first benefits will accrue to those engaged in agriculture and manufactures, into whose coffers will go the difference in the cost of the transportation of agricultural products and raw material and manufactured articles, as well as of the commodities brought from a distance and consumed by their families. The prosperity of those who are engaged in production will assure the general welfare, and the whole people will rejoice in the possession of commercial advantages, and the many and great benefits resulting from diversified industry.

#### IMMIGRATION.

Believing with Abraham Lincoln that "the most important branch of national resources is that of living men," and that therefore it is of the first importance for a nation possessing so large a proportion of uncultivated area to consider the best and most expeditious method of securing a largely increased population--the natural increase being greatly out of proportion to the vast extent of territory to be populated and improved,--and believing, also, that neither proper facilities nor adequate protection were furnished to emigrants from Europe, I had some conversation and correspondence with the Governors of several other States, and we joined in calling a convention which was held at the city of Indianapolis, on the 23d and 24th of November, last. I transmit herewith a communication from Col. John S. Loomis, Secretary of the convention, enclosing the preamble and resolutions adopted by the convention, and I ask your careful consideration of the resolutions and of the whole subject matter. I regard it as of great importance, and the

present as an auspicious time for an effort in that direction. Throughout the greater portion of Europe an unsettled and unsatisfactory state of governmental affairs, together with the dissatisfaction and disaster inseparable from a state of war, and serious apprehensions for the future, lay like a pall upon the spirits of the people, causing them to look for a home in the future where these evils may be avoided. They have all heard of the great war which the Government of the United States waged for the liberties of all mankind; that here we have established a Union, a Nationality to which we all owe paramount allegiance, and which guarantees to all its citizens equal civil and political rights. Upon inquiry they learn further that their material interests may be greatly enhanced by emigration to the United States. Now, if we can have such legislation as will convince them that from the time of their embarkation until they reach their homes in the New World they will be under the protection of the great National Government to which they propose to swear allegiance, they will not be deterred from starting by fear of the wrongs and extortions suffered by some of their friends who have gone before them. Emigrants upon the long and weary voyage will feel no more the humiliation inseparable from the conscious possession of rights, without the protection of any power able to secure an administration of justice to enforce those rights. Upon debarkation they will find themselves, not under the protection of a State or municipality having but a temporary and incidental interest in their welfare, but under the protection of the National Government, the common representative of all the States, in either of which the immigrant may make his domicile, and swearing allegiance to the General Government, become a citizen of the United States, and consequently of such of the States as he may, in turn, chose to inhabit.

I apprehend that it is not necessary to enter into an argument to convince the Legislature of the great benefit which will result to the State and to the immigrant by inducing as many as possible of these people to make their homes in Kansas. They can find good and cheap homes here, the improvement of which will add to the value of all the property owned by each citizen of the State. The immigrant brings money and labor; he purchases largely for the subsistence and comfort of himself and family, thus bringing to our doors a market for our surplus productions. He becomes a citizen, and by his presence and exertions adds largely to our wealth and his own prosperity. In view of all these facts, I earnestly recommend that you provide for the publication and distribution of a large number of pamphlets, printed in the principal languages of Europe, showing the advantages and resources of the State, and giving the immigrants directions how to avail themselves of the reductions in the cost of transportation made for their benefit. The cost of such a publication will be simply insignificant when compared with the benefits resulting therefrom. The average money value of each immigrant has been estimated by the most competent political economists and statisticians at the sum of \$1,275. It is a well recognized general rule, that only the strong, the most courageous and enterprising natives of a country emigrate to a foreign land. The same rule applies to the emigration from the older to the newer States in our own country, and accounts in a great degree for the thoroughgoing characteristics of the population of Kansas. The advantages of this State as regards geographical position, soil, climate, rapid improvement, etc., are becoming well known throughout the United States, and it is greatly to our interest to make them still more generally known at home as well as abroad, to the end that our prosperity may be augmented, and those who cast their lot with us be benefitted.

#### EARLY HISTORY.

At the annual meeting of the convention of the editors and publishers of Kansas, held in this city on the 17th of January, 1870, a resolution was passed appointing a committee to ask the legislature to procure certain "newspaper files and scrap books,

containing the most complete record now in existence of the early history of Kansas." If such a collection can be procured upon reasonable terms, I recommend that it be purchased and its preservation provided for. Correct history of the past exerts a powerful influence on the present and the future. Especially is the early history of Kansas valuable for its lessons and examples, not only to those who live amid the scenes, but to all mankind; and it is important that the record of that eventful period be preserved for the use of the future historian. The events chronicled in those files of old newspapers had a significance from which were evolved results affecting in the greatest degree the present and future character of this nation. We have been described as "singularly deficient in that historical spirit which characterizes true civilization," and it has been asked: "Is it that the task of the hour makes Americans blind to all things else?" Now, true and earnest devotion to the duty of the hour is a glorious characteristic; but it is well not to become oblivious of the lessons that can be learned from the events of the past, for the time will come when we shall wish to search the musty records, that we may trace the springs from which flow the refreshing streams of our prosperity and improvement in national character.

I recommend also that provision be made for the publication of the history of the Kansas State Agricultural Society from its inception. Such publication would be beneficial to every interest in the State.

#### INSURANCE.

I renew the recommendation made by me to the last Legislature relative to the enactment of a law for the regulation of the business of insurance in this State. The object of such law should be to provide for the security of policy holders. It should provide, at the expense of the companies, for a supervision of the business by an authorized agent of the State, charged with the duty of examining into the affairs of all the companies doing or offering to do business in this State, with a view to the detection and exclusion of the false and fraudulent ones, and the protection and regulation of the good and reliable. There is in my mind no question as to the power and duty of the State thus to provide for the security of its citizens from fraud and extortion, and at the same time leave opportunity for full and free competition between companies worthy of public confidence.

#### PRAIRIE FIRES.

The yearly recurring prairie fires which are permitted to sweep over large portions of the State result in great losses to the individual property-holders, and serious detriment to the State. This fact is obvious and needs no elucidation here; but it is deemed feasible, by further legislation on this subject, greatly to mitigate the evil, and to fix the responsibility of its recurrence, by providing for measures of prevention, or designating some local officer whose duty it shall be to investigate the origin of the fires, and prosecute the parties responsible therefor.

#### PRIZE FIGHTING.

I recommend the enactment of a stringent law for the suppression of prize fighting. I have noticed with regret that parties habituated to participation in such brutal exhibitions in other States have entered into stipulations to fight at a given date at some point within the State of Kansas, evidently presuming upon the absence of legislation aimed specially at such disgraceful breaches of the peace and outrages against decency. In some instances the local authorities have been slow to interfere, because of the lack of such legislation. Public opinion in this State is very much averse to such exhibitions, and a law should be enacted affording every facility for their suppression, and unmistakably devolving its execution upon the proper authorities.

## APPORTIONMENT.

Under the provisions of Articles one and two of section ten of the Constitution, it devolves upon you to make a new apportionment of representation, by establishing districts for the election of Senators and Representatives to the Legislature.

## CONCLUSION.

To conclude, I will remark that the affairs over which our fellow-citizens have for a time given us control are of great importance, and that the legislation of to-day may affect for good or evil generations far in the future. It behooves us therefore to exercise circumspection, and to consider fully the probable effect of our acts as regards both moral and material well being.

JAMES M. HARVEY.

TOPEKA, January 10, 1871.

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