

ANNUAL MESSAGE
OF
JAMES M. HARVEY,
GOVERNOR,
TO THE
LEGISLATURE OF KANSAS
1872.

MESSAGE.

Gentlemen of the Senate and House of Representatives:

Greeting you with unfeigned pleasure and tendering my congratulations upon the auspicious circumstances under which you meet, I will proceed to lay before you the reports of the State officers and Public Institutions; to communicate information relative to the condition of the State, and to make such recommendations as I deem proper.

The past year has been the most satisfactory one in our history, so far as regards peace and material prosperity. The crops have been abundant; we have been free from war, alarm, or turmoil; no great disasters have afflicted us; our improvements of every kind have progressed with great rapidity, immigration has added largely to the number of our people and the value of our property.

The rate of taxation for State purposes has been reduced, and, with proper economy, may be still further diminished, as you will learn from the following satisfactory exhibit of the liabilities and resources of the State:

LIABILITIES.

6 per cent. Bonds, Funding Territorial Debt.....	\$61,500.00
6 per cent. Bonds, Refunding Taxes.....	39,675.00
7 per cent. Bonds, Current expenses 1861 and 1863.....	204,000.00
7 per cent. Bonds, Internal Improvement.....	70,000.00
7 per cent. Bonds, Capitol Building.....	320,000.00
7 per cent. Bonds, Penitentiary Building.....	260,000.00
7 per cent. Bonds, Deaf and Dumb Asylum.....	15,500.00
7 per cent. Bonds, Insane Asylum.....	20,000.00
7 per cent. Bonds, Military.....	346,000.00
Outstanding State Warrants.....	57,164.42
Outstanding Territorial Warrants.....	7,142.73
Amount overpaid by Counties, 1870.....	2,086.85
 Total Liabilities.....	 <hr/> \$1,403,069.00

RESOURCES.

Tax levy 1871.....	\$435,014.19
Tax levy 1870.....	66,778.07
Tax levy 1869.....	36,336.23
Tax levy 1868.....	34,051.84
Tax levy 1867.....	32,772.89
Tax levy 1866.....	4,014.02
Tax levy 1865.....	13,806.47
Tax levy 1864.....	9,081.73
Tax levy 1863.....	10,381.05
Tax levy 1862.....	13,939.26
Tax levy 1861.....	8,361.07
Amount in Treasury.....	967.76
Amount in Treasury, Military Fund.....	7,918.10
Sinking Fund (invested in Bonds).....	100,500.00
Sinking Fund, cash balance.....	9,747.20
 Total Resources.....	 <hr/> \$782,669.88

You will see from this, and by inspection of the Reports of the Auditor and Treasurer, that during the fiscal year the floating debt of the State has been reduced \$182,481.02, leaving but \$57,164.42 of State warrants outstanding, which will be redeemed during this month, leaving sufficient money in the Treasury to meet all ordinary demands, and, with judicious legislation, maintain the present high financial standing attained by the State. Also that the funded debt has been slightly reduced, and that the Permanent School Fund owns over one-third of the bonds, which added to the amount purchased for the sinking fund, equals nearly one-half of the entire bonded debt of the State. During the fiscal year, the Treasurer received \$1,107,745.21, and disbursed \$964,228.01; leaving a balance in the Treasury of \$143,517.20 belonging to the several Funds, as provided by law, and specified in the Reports of the Auditor and Treasurer. The fact that during the year the total liabilities of the State have been reduced \$190,237.54, is indeed gratifying; and yet you will learn from the Auditor's Report that the county of Wallace has never paid any revenue to the State; nor has the county of Cherokee, since the Neutral Land League succeeded in electing the county officers there. Correspondence on file in the Auditor's office will show the delinquency to be the result of dishonesty or inefficiency. It is the duty of the State to provide for the protection of persons and property within its limits; for this purpose it has a proper and legitimate claim upon all the property in every county, for its due proportion of the necessary expenses. The Executive can, and will repress riotous demonstrations, and secure the protection of persons and property by the interposition of military force when necessary; but under existing laws, cannot guarantee the assessment and collection of taxes in those anomalous cases where organizations, having purposes inimical to law, have succeeded, or may succeed, in the election of local officers so corrupt or incompetent as to be unwilling or unable to preserve the peace or assess and collect the revenue.

In view of these facts, I recommend the passage of a law providing means for a speedy removal from office, of any or all county officers, who fail to do their duty in the execution of the laws; and to supply their places by the appointment of proper persons to serve until the next election. Under the present law, a dishonest or incompetent official can postpone a trial instituted for his removal, from time to time, until his term expires. Provisions for a more summary proceeding would have a salutary effect in preventing unlawful combinations and malfeasance, or inefficiency, in office. But few cases would call for such process; but in some, it is indispensable to a proper collection of the revenue, and an equitable distribution of the public burden of taxation.

The Auditor estimates that \$166,000 will meet the ordinary current expenses of the State.

There is an evident necessity for restricting existing facilities for incurring municipal indebtedness. Such obligations necessitate increased taxation; and if assumed for any other than public purposes, are unauthorized, and even when legal, become onerous if in excess of the proper ratio subsisting between the valuation of taxable property of the municipality and the proper demands for revenue resting upon it. Therefore, I recommend that by a general law, you strictly define the purposes for which Counties, Cities, Townships or Districts may incur indebtedness; and limit the amount, so that the taxation requisite to provide the interest and sinking fund may in all cases be reasonable; also that the amount and purpose of such obligation, with the number and description of the bonds issued as evidence thereof, be registered in the Auditor's office, that the people issuing properly authorized securities may have the advantage of a certificate of the facts from an authority well known to the financial world. Some manipulators or questionable enterprises, seeking municipal aid, may be disposed to question your authority thus to provide, as far as possible, for all the citizens of the State, exemption from onerous taxation, and from a ruinous discount upon their local securities properly issued; but I think you will agree that it is a duty of the first importance. I believe also that such legislation should be followed by the submission of a constitutional amendment embodying the same principles, to give assurance of permanency in the policy adopted. The market value of a Bond depends upon the recognized ability and disposition of the municipality to pay the interest upon it promptly, as it accrues, and to redeem it at maturity; consequently the general law and constitutional amendment recommended, would aid much in the negotiation of proper local securities at fair rates. Provision should also be made against confusion, as to liability, in case of changing municipal boundaries.

EDUCATION.

By examination of the report of the Superintendent of Public Instruction, you will be pleased to see that the interest and effort in behalf of education have kept pace with the marvelous rapidity of material development. This accords with "the eternal fitness of things;" for the ultimate object of a properly constituted government is, the welfare of the citizen, which is best secured by giving to all the youth the best mental and moral training attainable. Religion being properly beyond the scope of your authority, there is no means within your power whereby you can so benefit all the people, and as a consequence, the State in all its departments, as by providing, so far as possible, for the education of every child within your jurisdiction.

The following summary of statistics, compiled from the report of the Superintendent, will show gratifying evidence of progress in this direction:

SUMMARY OF STATISTICS FOR 1871

Number of school districts.....	2,647
Increase for the year.....	579
Number of reports from district clerks.....	2,438
Increase for the year.....	488
Number of male persons between the ages of 5 and 21.....	73,248
Increase for the year.....	20,994
Number of female persons of school age.....	69,110
Increase for the year.....	12,120
Total number of persons of school age.....	142,358
Increase for the year.....	33,114
Number of male persons enrolled in public schools.....	44,870
Increase for the year.....	12,687
Number of female persons enrolled in public schools.....	44,907
Increase for the year.....	18,872
Whole number of persons enrolled in public schools.....	89,777
Increase for the year.....	26,559
Average daily attendance in public schools.....	52,891
Increase for the year.....	18,490
Average length of time school has been taught.....	5.8 months
Increase for the year.....	.6 months
Number of male teachers employed in public schools.....	1,453
Increase for the year.....	374
Number of female teachers employed in public schools.....	1,625
Increase for the year.....	464
Average wage paid to male teachers in public schools.....	\$ 41.54
Increase for the year.....	1.94
Average wage paid to female teachers in public schools.....	\$ 31.75
Increase for the year.....	.65
Amount paid for teacher's wages.....	449,273.05
Increase for the year.....	130,676.74
Amount expended for repairs and incidentals.....	44,690.58
Decrease for the year.....	53,953.75
Amount received on the semi-annual dividend of State School money.....	\$ 182,377.20
Increase for the year.....	42,419.83
Amount raised by district tax for the support of public schools.....	534,261.69
Increase for the year.....	16,937.84
Total amount derived from various sources for public schools.....	1,074,946.09
Increase for the year.....	275,627.58
Number of school houses: log, 266; frame, 1197; brick, 61; stone, 263. Total.....	1,820
Increase for the year.....	319

This shows a large increase in everything pertaining to the Common Schools, except the amount expended for repairs and incidentals, which has decreased \$53,953.75; due no doubt to the fact that nearly all the districts are now supplied with good school-houses which need but few repairs. But though the statistics show a large increase in attendance, it shall remain a lamentable fact that the average daily attendance in the public schools is but little more than a third of the number of children within the school age residing in the State; as a remedy for this, the Superintendent favors the passage of a law providing for compulsory education; and there are many and strong reasons in favor of the passage of a proper law of that kind. Vast numbers of persons are growing up without that degree of education which is absolutely requisite to the proper performance of their duties as citizens in any

civilized community; not to mention those other and higher duties which devolve upon them as citizens of a government, which from its structure, depends for continued existence upon enlightened public opinion.

The State provides ample facilities for the requisite education; and many are educated by private enterprise or denominational schools, yet large numbers of those, who from mental condition and unfortunate surroundings, stand most in need of schooling, fail to receive it, and as a consequence grow up to be bad, or at least ignorant and inefficient men and women. Let us not forget that States and Nations are composed of men and women and their children; that personal qualities are transmitted to progeny, and perpetuated indefinitely; and that every influence brought to bear upon human nature has its effect, good or bad. We cannot avoid the consequences of the neglect of children; dire results will follow not only to the neglected, but to society guilty of the neglect. An ignorant multitude is always dangerous; education is therefore a measure of public safety; and the State has the same right to require the growing boy to be so educated as to fit him for good citizenship, that it has to require him when grown to take his place in the ranks for the public defense, or to sit in the jury box to assist in the determination of the rights of his fellow citizens. The aim of education should be to fit the recipient to fill, well and beneficently, all the relations of life; especially in a State like this, where every citizen is in some degree responsible for the conduct of public affairs; and where every boy may hope to become eligible to the highest official positions. This necessitates the teaching, in our Common Schools, lessons on the nature of our Government, and the rights and duties of citizens; impressing the fact that rights and duties are reciprocal. Such teaching would tend to remove, what a distinguished author and statesman denominated a "gross delusion," that is, "a belief in the sovereign power of political machinery." The true theory of our Government is, that it is the creature of society, arising from a common desire for public defense and personal protection; that the people are the source of power, and are ultimately responsible for the manner of its exercise. The true guarantees of freedom and social order consist, not alone in governmental forms, but also in the potency of well informed and patriotic public sentiment; consequently, these matters should be taught to all our children in the public schools; should be studied and discussed by all the people at their homes, at social gatherings, and in general society, not left as the specialty of a few designing and corrupt manipulators of caucuses, and brokers in appointments and elections. Moral, political and financial ruin stare in the face any people abdicating government in favor of mercenary cliques. But place all the healthy children, not elsewhere educated, in public schools where, in addition to other useful and necessary knowledge, the rudiments of political science are taught, and arouse public opinion to the performance of duty as well as the assertion of rights, and "the people will be found ready to choose with wisdom, and the chosen to govern with righteousness." It is as true now as ever, that "righteousness exalteth a Nation." It is true also that education tends to banish crime.

The Superintendent quotes statistics from various nations, proving that the commission of crime is in inverse ratio to the progress of education. He also quotes from a number of Statesmen, Authors and others, in favor of universal obligatory education, and argues the question well. Of course there are difficulties in the way of its adoption, and legislation should have due regard for these, but I believe that it can be done wisely, justly, and practically.

The report also favors a change in the hours of study, a uniformity of text books, and a system of Congressional Township Districts; matters concerning which I am not as yet prepared to make any further recommendation than to request perusal and careful consideration.

I quite agree with the Superintendent in all that he says concerning women as teachers; and join with him in recommending that provision be made for adequate compensation to all those whom we employ in the education of our children. It is impossible to over-estimate the importance of having such momentous interests under charge of those who appreciate the responsibility.

STATE NORMAL SCHOOLS.

The reports of the Principals and Boards of Visitors of the State Normal Schools at Leavenworth and Emporia show that these institutions are in a flourishing condition, and doing highly important service to the State, in preparing a large number of young men and women for the honorable and useful vocation of teaching. The principal want, at Leavenworth, is more adequate compensation for the members of the faculty. At Emporia, the great need is more room. The Board of Visitors report that at the Fall term every seat was occupied, and though there were already too many seats in the various rooms, no place was left for the Model School. A much larger attendance is anticipated during the Winter term, making it necessary to rent rooms, and this, though the Board of Trustees lately made and enforced a rule prohibiting the admission to the Normal class of any pupil under fourteen years of age, except upon the payment of tuition, which the visitors say has a salutary effect, both upon the Normal and Public Schools of Emporia.

STATE UNIVERSITY.

The Report of the Chancellor shows that the University is in a flourishing condition, the aggregate attendance, by terms for the current catalogue year, will nearly reach three hundred.

He regards the Preparatory Department as still a necessary adjunct of the University to prepare pupils for the Collegiate Department, and states that in consequence of the increased number of students in attendance, it has become necessary to rent rooms for some of the classes, but that room will be abundantly supplied in the new building, which it is confidently believed will be completed in the course of the ensuing summer.

STATE AGRICULTURAL COLLEGE.

From the Report of the President, it appears that the aggregate attendance by terms for the year is two hundred and ninety-three.

In pursuance of the Act approved March 2, 1871, the Regents have invested most of the Permanent interest fund in school district bonds, thereby doubling the income of the Institution from that source, and at the same time aiding in the development of the common school system of the State.

The Regents also purchased with the fund appropriated for that purpose, and the bonds voted by Manhattan Township, 155 acres of valuable land between the College buildings and Manhattan, and 160 acres of bottom land on the creek south of the College; making the farm 415 acres, 315 acres of which are under cultivation, and they ask some further assistance for the construction of additional fencing and other necessary improvements, particulars concerning which, can be gleaned from the Reports.

PENITENTIARY.

The Directors estimate the current expenses, at \$72,920.00, and for building purposes, \$37,040.00. They place the estimated earnings at \$32,093.00, which would leave the amount they deem necessary to be appropriated, \$77,865.00.

Section 9 of chapter 77 of the General Statutes, makes it the duty of the Directors "to push forward to completion the permanent Prison buildings, and the buildings necessary to render the same available for occupancy, to carry forward, as speedily as possible, the yard wall and the necessary shops, using as far as practicable, the labor of the convicts." To make this labor available, money must be provided to purchase such material as cannot be procured upon the grounds belonging to the Institution.

It will be evident that if the present rate of increase in the number of convicts is continued, the prison will soon be too small to contain them; and unless means be provided to carry on the building of the south wing by convict labor, the construction of temporary buildings will be necessitated, at a sacrifice of safety and economy.

The number of convicts on the 30th of November was 303; an increase of 94 since the last report; the greatest number confined at any one time during the year was 310. The amount estimated for last year was \$46,973.50, which was based upon an anticipated increase of 25 convicts; the amount actually appropriated was \$35,000.10; the great and unexpected increase in number of prisoners, and the consequent additional expense of providing for their retention, and means for their employment, made the sum inadequate, and necessitated further provision to meet those unavoidable expenses; consequently, upon proper vouchers, in pursuance of law, certificates of indebtedness to the amount of \$26,475.09, were issued, and the proceeds expended in liquidation of the demands created as above stated.

In the Warden's report will be found a detailed account of all these expenses, as well as of the whole of the business transactions in any way connected with the prison. It will be perceived that the valuation of the personal property belonging to the Prison, is \$53,335.65; an increase since the last report of \$22,955.62.

About three-fourths of the prisoners have been employed on the buildings, yard walls, and other improvements, and the necessary work about the prison. The Directors state that the work so performed, estimated at a fair price, (greatly less than it would have cost the State by contract,) and added to the earnings of the one-fourth otherwise employed, the product would have exceeded the expenditures, notwithstanding, the amount expended for building purposes, and materials, exceeds the amount of the certificates of indebtedness by \$14,858.20.

A thorough and complete system of accounts and records has been adopted, whereby all matters of finance and of discipline and instruction may be investigated. It has been demonstrated during the last year that under the present system of management, the daily cost of board of each convict or employee is seventeen and one-third cents; while in some former years it was as high as seventy-cents daily with subsistence inferior to that furnished now.

In the present management of the prison, due attention is given to the health of the convicts, with the most gratifying results; and while no wanton or unnecessary rigor is practiced, the discipline maintained is as near perfect as I think it possible to attain. The idea of reformation as a prominent object of the institution, is kept before the

prisoner, and with good reason; as you will find, by examining the statistics contained in the report, that many of the convicts are quite youthful, and that the terms of their sentences bear but a small proportion to the probable length of their lives; consequently, they are constantly being discharged to take again such places as they can attain in society; and it is a fact to their credit, and that of the management, that few are returned. Industrial training, by regular employment under constant superintendence supplemented by religious instruction upon the Sabbath, a judicious system of rewards for industry and good behavior, and penalties for negligence or misconduct, are all conducive to good discipline and the profit of the State, as well as to the reformation of the prisoner. The convict is impressed with the fact that he is under the control of a power which it is useless for him to resist, and that such power will be exercised without passion, but with persistence sufficient to deter him from wrong-doing; and that when he evinces by his action a proper sense of duty, he will receive due consideration therefor. The aim is to give each criminal a relish for labor, encourage his disposition to use his intellect in applying it, and to exercise his moral faculties in the conscientious performance of his allotted task, as well as by oral or printed instruction, that he may be practically trained to lead when liberated, a useful and virtuous life. As many as possible, are taught useful trades, with that object in view.

BLIND ASYLUM.

The Report of the Trustees states: "For the year just closed, and under the supervision of the worthy Superintendent, Matron and Teachers, the condition of the Institution is all that could be desired. The pupils seem to be making rapid progress, and enjoying themselves in a very satisfactory manner."

Dr. W. W. Updegraff, the superintendent above referred to, having tendered his resignation, to take effect at the close of the fiscal year, I appointed Professor John D. Parker, of Burlington, as his successor. The Trustees suggest that there are children enjoying the privileges of the Institution who have parents abundantly able to support them; and that it is the custom in some of the States for parents thus circumstanced, to be required to contribute to the maintenance of their children in Public Asylums; and they recommend that legislation be had in that direction.

The Superintendent reports that the number of pupils at present in school, is twenty. He says additional room should be provided, as they can only properly accommodate two more students. He gives a full statement of the improvements made during the year, and of those he deems still necessary to be made; and of the wants and workings of the Institution, generally. A change has been made from the Braille, to the Wait, or New York system of point writing, to secure uniformity. The Superintendent estimates that the sum of eight thousand one hundred and eighty dollars will be required for the support of the Asylum for the current fiscal year. He gives a table of receipts and expenditures, showing \$143.29 unexpended. The Trustees agree with the Superintendent in his estimates, and recommendations.

I recommend that the Attorney General be directed to investigate the title to the Asylum grounds, and report his opinion as to its validity.

INSANE ASYLUM.

The Reports of the Board of Trustees and of the Superintendent, set forth the following facts: The number of patients admitted during the year ending November 30, 1871, was 64: the number discharged during the same period was 24. The whole number in the Asylum at that date was 75; males, 36; females, 39. The number under treatment since the establishment of the Institution is 202.

From the appropriation made at the last session for that purpose, a good substantial and commodious building has been constructed, and a balance of \$2,104.44 remains unexpended, a portion of which the Board requests power to use in the purchase of a tract of land which they deem almost a necessity. For particulars, concerning which, and for a description of the building, I refer you to the Reports, where you will also find much useful information concerning other matters.

Three months prior to the close of the fiscal year, Dr. C. O. Gause, who had been Superintendent from the inception of the Institution, gave notice of his intention to resign at the close of the year, and the Board of Trustees appointed Dr. C. P. Lee as his successor.

The reported estimate of the wants of the Asylum for the current year amounts to \$27,147.00.

DEAF AND DUMB ASYLUM.

I recommend that an appropriation be made sufficient to complete the eastern portico of the State House; and that a survey of the building by the architect be ordered, with instructions to have such repairs made as may be necessary to the proper preservation of the edifice.

In pursuance of "an act for the improvement of the State House Grounds," approved March 3d, 1871, I appointed Hon. George T. Anthony, C. W. Jewell, Esq., and Col. Wm. Tweeddale, to constitute "the Board of Commissioners for the Improvement of the State House Grounds." Effecting an organization, they proceeded in pursuance of the law to make such improvements as were within the means provided. I deem it for the interest of the State that sufficient appropriations be made from time to time to enable them to execute the plan of improvements adopted. The report of the Board will be laid before you.

MILITARY AFFAIRS.

The report of the Adjutant General will show you that, since his last report, five independent companies of State Militia have been organized, and armed, for the protection of the frontier against incursions of hostile Indians. That no necessity arose for calling them into actual service, is largely due to the fact that General John Pope, commanding the Department of the Missouri, at my solicitation, placed United States troops in advance of the settlements to prevent collision by guarding against contact of the savages with the settlers. Under the direct supervision of Brevet General James Oakes, Colonel of the 6th Cavalry, this policy was so well carried out, that not a single man, woman, or child has been massacred by the savages on that frontier during the year. Commendable zeal and efficiency have been shown by all the officers and soldiers engaged in that service.

The Adjutant General reports in detail his action, and that of the Commission appointed under the provisions of an act entitled "an act to provide for the settlement of the losses sustained between the years 1861 and 1871 by the settlers on the western frontier from Indian depredations." He also calls attention to the fact that since the report of the Commission was received and sent, as the law required, to our Congressional delegation, over thirty claims intended for the consideration of the Commission, have been received at his office; and, inasmuch as these claims seem to be of the same class as those already audited, he suggests a recommendation to the Legislature to provide for examination and allowance of such as come within the scope of the law.

On the 14th of March, 1871, I proceeded to Leavenworth and met James A. Hardee, Inspector General, U. S. A., J. D. Bingham, Quartermaster, U. S. A., and T. H. Stanton, Paymaster, U. S. A., members of the Commission appointed by the Secretary of War, to examine and audit the Price Raid Claims, pursuant to Act of Congress, approved February 2d, 1871. The Commission, having been organized and qualified according to law, at Fort Leavenworth, was invited to meet at Topeka, for convenience of access to the necessary papers; and it accordingly met here on the 17th of March. It was afforded every possible facility for the discharge of the duty, and after a number of days of assiduous labor, went to Washington to report the result to the Secretary of War, to be by him communicated to Congress as a basis for an appropriation for the payment of the claims.

AGRICULTURE, COMMERCE, AND MANUFACTURES.

I recommend that an appropriation be made to secure the publication of the transactions of the Kansas State Agricultural Society. I am more than ever convinced of its utility from conversations had with Hon. J. R. Dodge, Statistician of the Department of Agriculture and editor of the reports therefrom. In those reports he publishes a concise abstract of the most important features of the annual reports from Agricultural organizations of such of the States as cause them to be published and sent to the Department. He also collates from such reports, and from information otherwise officially communicated by co-operating Societies, a series of "Current Facts in Agriculture," and "Recent Farm Experiments," the whole having through the Department reports a wide circulation, thus giving in a permanent shape a record of agricultural progress and also knowledge concerning the productive capabilities of the States, which cannot fail to be highly beneficial.

I am indebted to the President of the State Agricultural Society for a suggestion which may become valuable to the agricultural, commercial, manufacturing, and other interests of the State; namely, that a small appropriation be made to meet the incidental expenses which would necessarily be incurred by permitting the Professor of Natural Science in the State Agricultural College to take his class into the field from time to time, to make a Geological reconnaissance, or physical survey of the State, with a view to give practical instruction to the class and at the same time, with but little expense, make public in an authoritative and attractive shape, information which will be conducive to the development of the State. In a former message I said: "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." These elements of

wealth to be made available must be rendered easy of access; from the nature of the western portion of our State this can only be accomplished by the construction of railways; and it seems in accordance with equity that the general government should aid such enterprises by reserving the even numbered sections, and such of the others as shall have been settled upon prior to the grants, as homesteads for the pioneers, and devoting the residue or the proceeds thereof to aid in the construction of the necessary lines of communication. Certainly such a policy is better than to place the burden of construction upon the pioneer citizens of local municipalities, who, to effect the object, must suffer ruinous discount upon their securities issued for the purpose.

I recommend that you discountenance a manifest tendency to apply for special legislation to enable towns and cities to subsidize manufacturing establishments, or any kind of private enterprise. I believe the establishment of manufactures to be conducive to the highest prosperity of the State, but special enactments subsidizing them are apt to contain provisions detrimental to the rights of citizens if not absolutely unconstitutional. The best way to encourage manufactures is to so legislate as to make taxes light, and invite the influx of capital and its investment at reasonable rates. It is thought by many that a revision of our collection laws will tend to that end.

THE PUBLIC SERVICE.

The public is entitled to the service of citizens of intellectual capacity, unwavering integrity, and untiring energy. Many such men serve the State through motives of patriotism, and love of honor, or personal distinction. Justice and sound policy dictate that they should be given compensation sufficient to secure, during the term of their service, personal comfort, provision for the respectable support of their families, and the education of their children, without drawing upon their private resources; otherwise the best of men may be deterred from holding office, greatly to the detriment of the State. A public servant, lacking either capacity or integrity, might cost the people in one year more than would be required to pay competent and satisfactory salaries to "the right men in the right places" for many years. The best government is the cheapest; true financial reform consists, not in indiscriminate raising or lowering of public salaries, but in properly adjusting them to correspond with the duties of the office. The State is not poor enough to be miserly, nor rich enough to be prodigal. The people of this State have cause for congratulation in the purity and ability of the judiciary. The Judges of the Supreme Court should have more adequate compensation for their arduous and important labors; and I think that most of the District Judges need more work, as well as more pay; consequently I recommend that, instead of augmenting the number of Districts as the population of the State increases and spreads over new territory, you adopt the policy of redistricting the State, so as to make an equitable division of the business between the existing number of Judges, and increase their salaries sufficient to justify them in holding court throughout the year.

I believe that a constitutional amendment should be submitted, providing that instead of the present per diem allowance, members of the Legislature be paid a yearly salary commensurate with the importance of their services; this would only be justice to the Legislators; and benefit would accrue to the public interests from the fact that more careful deliberation would be secured. I have observed the working of the present system during several years service in the Legislature, and the executive office; and I know that the mass of important business is left until the last few days or hours, then hurried through, that the adjournment may take place at the end of a fifty days' session. The Secretary of State, in his report, very properly calls attention to abuses in the Engrossing and Enrolling departments; but in my opinion, many, if not most of the errors and crudities of legislation, arise from the fact that in the hurry at the last hours, when most of the bills come up for consideration, it is moved "that they be considered engrossed and ordered to a third reading now." The motion carries, and they are read a third time and passed. Sometimes, I am told, several pass upon a single calling of the roll. Certainly, correct legislation is not to be hoped for under circumstances so unfavorable to deliberation and examination. This being remedied, I believe wisdom would dictate the policy of having all engrossing and enrolling of bills done under the supervision of clerks chosen for their competency, and authorized to choose their subordinates, being responsible for the correctness of their work. But the first requisite to secure symmetrical laws, and proper legislative records, is the adoption of a system of business obviating the undue pressure of work at the close of the session. The Legislature which succeeds in such reform will have done the State great services.

MERCENARY POLITICS.

The corrupt use of money in elections of all kinds, and the consequent speculation and demoralization, together with the fact that legislation and administration have sometimes been influenced by corrupt appliances, demand and are beginning to receive the attention of upright officials and patriotic citizens throughout the nation. In this State, the laws upon the subject of bribery seem to need revision, to destroy, so far as possible, any community of interest existing between the guilty parties, inducing both to keep the offense a secret, and making it difficult to

obtain evidence for the conviction of either. In some other States an effort is being made to obviate this difficulty by exempting one of the parties from legal penalties, that his testimony may be used against the other. I believe much good may be accomplished in that way; and therefore recommend that our law be so amended that either of the parties to such crime, by becoming witness for the State against the other, or others, shall be exempt from punishment for that offense. The givers and takers of bribes are generally well known to the public, but escape conviction through the fears of punishment entertained by their partners in guilt. Those fears being removed, and either of the parties placed at the mercy of the other, confidence inspired by mutual baseness and liability to the same penalties would be at an end; both parties would fear to begin such criminal negotiations, and venal politicians become comparatively powerless.

The practices of the time seem also to demand the passage of an act prohibiting any one from using money or property to secure the election of himself or any other person, except for the expense of holding public meetings, and of printing and circulating ballots, hand-bills and other papers previous to the election. The frequent appearance of money, as an element of corrupt political power, is appalling to patriotic and thoughtful men everywhere. Its tendency is to create and perpetuate an oligarchy of the very wealthy and unscrupulous with their base and mercenary adherents. But this danger, properly understood, is but a loud call for fearless and vigorous resistance. A people is only worthy of freedom while vigilant in its defense. No prejudice should be created against the possessors of wealth; but they must be taught that it cannot be used corruptly, as a political power, to imperil liberty, with impunity.

A just law is also needed to secure the neutrality of corporation in all political contests. Those organizations of associated capital are entitled to and must receive such protection as is consistent with the proper object of their creation and consonant with the public good. Nothing more than this should be asked, nothing less granted. I recommend, therefore, the passage of a law providing that any corporation against which it shall be proven that money has been contributed for the election or defeat of any candidate for any public office, shall forfeit its charter; and that all managing officers of such corporations, if residents of this State, shall be disfranchised, and if non-residents they shall be rendered incapable of doing any official act within the jurisdiction of this State. It is a fact well known that all the money corruptly expended, either by individuals or corporations, to influence elections or official actions of any kind, is retaken with frightful usury, not from the guilty recipient, but from the innocent public, unwisely placed in the position of his endorser. The political Shylock, worse than he of Venice, seeks the life of the State by demanding, in addition to thrice the number of his ducats, the pound of flesh from nearest the heart of the surety. The plainest dictates of common honesty, the imperative demands of public decency, to say nothing of patriotism, require that these gigantic wrongs shall be remedied. The attention of grand juries and public prosecutors should be pointedly directed to this duty.

INSURANCE DEPARTMENT.

In former messages I recommended the passage of 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;" and after indicating, in a general way, the manner, I further said: "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 all companies worthy of public confidence."

With this end in view, an act was passed at the last session similar to the laws which have been in force for years in Massachusetts and New York, and more lately in New Hampshire, Rhode Island, Maine, California, Kentucky and Missouri; and like those since adopted by Michigan and Connecticut. Recent occurrences in other States, have shown the necessity for such a policy; for numerous insurance organizations extend their operations beyond the States where they are incorporated, and where all their books, records, and assets, are kept; incurring obligations, and receiving large sums of money as premiums thereon,-then, failing, leave their contracts of insurance unpaid and worthless. Sound and reliable companies from other States should be encouraged to enter this State and compete for business; but those unsound, insolvent, or in anywise fraudulent, should be prohibited from transacting any business here, wherever organized. Nothing but a system of thorough supervision, with power to compel companies to make their actual condition known, will reach these desirable results.

In pursuance of the new law, (approved March 1, 1871), I appointed Hon. W. C. Webb, of Fort Scott, Superintendent of Insurance. Upon the organization of the Department, it was found that some of the companies claimed rights under former legislation incompatible with the execution of the existing law; but I am advised that, with a few exceptions, all have complied with the legal requirements, and that the rulings of the Department have been sustained by the courts.

Some amendments may be necessary to the proper efficacy of the law. I am satisfied, however, that the general system is right, and ought not to be disturbed. I think the Department should be authorized and required to make, at the expense of the companies, official publications of the facts in regard to the capital, assets and liabilities of each, with the nature of its business and the names of its agents, to the end that there may be no deception. The report of the Superintendent will be laid before you.

STATE LANDS.

Responsive to my letter of the 17th of October, 1870, (published in last annual message,) I have been officially informed that the Secretary of the Interior has decided, in accordance with the claim asserted in the letter, that the State is entitled, for school purposes, to the sixteenth and thirty-sixth sections within the Osage Trust Lands, and their Diminished Reservation; the length of the correspondence precludes its insertion here; but it will be laid before you. The decision is dated February 14th, 1871, and was received at this office March 8th, 1871. To some of the lands there are adverse claimants; and I recommend careful consideration, to the end that justice be done, and the State suffer no loss.

I also call attention to the remarks of the Auditor concerning the necessity for a revision of the laws concerning the sale of School Lands, and of the system of records of such sales kept in the counties.

From the report of the Secretary of State, and correspondence therein contained, it will be apparent that some years since the State sold to individuals some twelve hundred and eighty acres of land, the title to which still vested in the general Government. The sale was made by the Agent then employed in carrying out the provisions of "an act providing for the sale of public lands to aid in the construction of certain railroads," approved February 23d, 1866. The mistake evidently arose from an error made, by a clerk then employed in the office of the Secretary of State, in transcribing the descriptive list of the lands; the number of the township was incorrectly given. It remains for the State to do justice to the purchasers.

IMMIGRATION.

Having given much attention to the subject, it is with pleasure that I observe in the President's Message evidence that the general Government contemplates extending to the immigrant from beyond the seas, that protection which is his due while on the way to his new home. With immigration of all kinds, comes intelligence, social advantages, and means for material improvements. We must not fail to make every reasonable and proper effort to secure a continuance of the advantages we have reaped from this source for several years past. The pioneers greet all new comers heartily, knowing that their arrival tends to hasten the enjoyment of all the comforts and advantages pertaining to more populous countries, at the same time greatly benefitting the fortunes of both the old settler and the new.

I have distributed about four-fifths of the pamphlets provided by the last session, and still continue the distribution to those abroad who desire knowledge concerning Kansas.

CITIES OF THE THIRD CLASS.

The extension of Railways into unsettled portions of the State leads to the rapid building of new Cities of the third class, and necessitates the passage of an act supplementary to that passed at the last session for the organization and government of Cities of that grade. It should be provided that in such cases, incorporation may be effected at any time during the year--the officers elected at such time holding only until the first Monday in April succeeding. The necessity existing for the efficient exercise of local police powers in such cases is so apparent that I think further reference to the matter is not necessary.

STATE LIBRARY.

You will perceive by inspection that the State Library is in good condition and well kept. From the report of the Librarian you will learn that it contains seven thousand three hundred and forty-one volumes, beside some hundreds of small pamphlets, and thirty volumes of unbound newspapers. Other interesting statistical information will be found in the report, which urges the necessity for an appropriation sufficient to complete the sets of American Reports, and to purchase the early English Reports. In response to a circular from Hon. John M. Wilson, ex-Chief Justice of the Superior Court of Chicago, and the request of some prominent citizens of this State, and after consultation with the Chief Justice of the Supreme Court and the Secretary of State, I directed the Librarian to forward to the Chicago Law Institute complete sets of the Kansas Statutes and the Reports of Decisions by the Supreme Court, aggregating eighteen volumes, to replace those destroyed by the great fire.

The fund appropriated for expressage and postage for the library proved insufficient, and a small amount was paid for that purpose from the executive contingent fund. The business of the library is increasing rapidly, both in the number of books received and the number sent; and the Librarian urges a corresponding increase of the appropriation for expressage and postage, that he may be enabled to carry on the system of exchange with other States and Territories, as it is cheaper to get the books by paying the cost of transportation than to be compelled to purchase and still pay that cost. He states that the judicial reports alone thus received this year would have cost five-sixths of the whole expense of expressage and postage.

RELIEF.

In pursuance of "An act for the relief of destitute settlers on the western frontier," approved March 22, 1871, I appointed Hon. Joseph Logan, of Atchison county, as the agent to carry out the provisions of the act, which he did in an upright and efficient manner, leaving \$743.17 of the appropriation undrawn, and returning to the treasury \$225.52 at the time of making his report. Since the late severe storms on the plains, I received a petition from Osborne county, setting forth that great suffering would ensue on that border if immediate relief was not afforded; and I directed Captain Logan to proceed to the locality, and if the representations were true, to afford temporary relief from the unexpended balance above referred to, and to make a supplementary report, setting forth his action in the manner. Both his reports are submitted herewith.

PRAIRIE FIRES.

The destruction annually wrought by prairie fires, is such, that the most thoughtful citizens are anxious for the trial of some practical method of prevention. It is thought that if the County Commissioners, or the Township Trustees, were empowered to take measures for the prevention of such disastrous conflagrations, it could be done with comparatively light expense.

WASHINGTON MONUMENT.

In accordance with the request of His Excellency, the Governor of New York, I lay before you a copy of an act of the Legislature of that State making a contribution toward the completion of the Washington National Monument, subject to contingencies therein set forth. It is believed that with like action on the part of other States the work would be completed and a national reproach removed.

CENTENIAL CELEBRATION.

Sometime since I received a letter from Hon. Hamilton Fish, Secretary of State, inviting me to nominate suitable persons for appointment, by the President, as Commissioners for the State of Kansas, to prepare and superintend the execution of a plan for a national celebration of the centennial anniversary of American Independence, in pursuance of an act of Congress, approved March 3, 1871. In response thereto, I nominated Hon. John A. Martin, of Atchison county, and Hon. Geo. A. Crawford, of Bourbon county; and they have been appointed and commissioned.

I lay before you a communication from His Excellency, the Governor of Pennsylvania, inviting attention to a Joint Resolution of the General Assembly of that State, concerning the said Centennial Celebration, and requesting that I direct your attention "to the importance of appointing a special committee to co-operate with the committee of Pennsylvania, in conformity with the provisions of the Joint Resolution of the General Assembly of this commonwealth."

CONGRESSIONAL DISTRICTS.

The duty of districting the State for the election of members of Congress will devolve upon you.

CONCLUSION.

In conclusion, I will express the hope that your deliberations will result in continued prosperity, and honor to the State.

JAMES M. HARVEY.

TOPEKA, January 9, 1872.