

A COMPARATIVE STUDY OF THE PROGRESSIVE LEGISLATIVE PROGRAMS
OF GOVERNOR STUBBS OF KANSAS AND GOVERNOR HADLEY OF MISSOURI

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by

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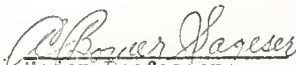
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ACKNOWLEDGMENTS

Working with the Progressive era of American history has been a gratifying experience for me. I have found that during this period the country actually matured, or grew up, in that it began to recognize its responsibilities to the people, as citizens. The previously prevailing theory of laissez faire was no longer generally accepted; but governmental action was sought to regulate different areas of business and public welfare, which had heretofore been considered outside the sphere of governmental influence. A need for such regulation had been becoming more and more obvious; this era solved the problem in a manner more or less expanded in following decades, while the question of the optimum amount of regulation administered by government is still to be answered.

Tremendously appreciated, while working on this paper, were the assistance and congeniality of the staffs of the various departments of the Kansas State Historical Society in Topeka. However, I must express my first gratitude to Dr. A. Bower Sageser, whose guidance and patience were always available at crucial times. The work could never have been finished without the secretarial assistance and moral support furnished by Mable Weimer and the great tolerance, and again, patience, exhibited by both my father and husband.

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CHAPTER I

INTRODUCTION

From the beginning of the twentieth century to the outbreak of World War I, the American people from coast to coast, urban and rural, felt the momentum of change and began to apply themselves to it. The resulting movement for political reform has been called Progressivism. The people awakened to the fact that in the preceding fifty years, business, its growth and success, had taken precedence above all other considerations. Concern now turned toward the general welfare.

With business growth and consolidation had come a general expansion of cities. The complaint was that business consolidation had usurped the individuality of man and had reduced competition. Most of the new city residents were entirely dependent upon wages, and prices paid for commodities and services were set by the corporation with no necessary relationship to the wage. The cost of living rose. The individual had no apparent recourse for legislation favored big business. The courts decided in favor of corporations. The organization of labor and the state regulation of corporations were judged unconstitutional. The people had allowed this to come about because each individual still felt a surge of opportunity that was believed to exist for the one with ingenuity to take advantage of it. Becoming

the multi-millionaire business giant was still within the dream of the individual.

It was generally conceded that business controlled politics and had generally debased it. The goal of the Progressives was to cleanse politics by the election of responsible leaders who would take a disinterested view of the issues, would not decide an issue to favor one side or another, but for the general welfare. In order to do this, the citizenry was expected to accept its responsibility by taking an active interest in public affairs and thus assuring the election to positions of public trust of men who were not concerned with repaying political favors. This could only be done by breaking the rule of the political machine, controlled by corporation funds, which was able to elect legislatures indebted to the corporation and machine. The most popular method for returning control of the government to the people was the adoption of a state-wide direct primary for the nomination of candidates. With this method, which varied in the different states, the party nominating conventions were replaced by a primary election in which the people chose the candidate by a majority vote. Due to apathy on the part of the people, the conventions had been easily controlled by the political machine, assuring for the machine the nomination of candidates friendly to its views. The primary allowed any eligible candidate to place his name on the ballot by filing a petition or paying a registration fee. The people could then decide after giving each candidate a fair hearing.

Even more confidence was placed in the will of the people when many states accepted the initiative and referendum. The initiative enabled a certain percentage of the citizens to propose new legislation for the approval of the electorate, while the referendum allowed the voters to pass judgment on state laws. With this in many cases went the adoption of recall measures, which allowed the removal of public officers, by petition, before the expiration of their term in the event the duties of their offices were not performed competently and morally. The people received an indirect vote for United States Senator in many states through the use of the Oregon Plan which bound legislators to follow the will of the majority in their election of Senators from their state. But this movement attained such national appeal that the Federal Constitution was successfully amended in 1913 to provide for the direct election of United States Senators in all states.

Less popular, but also receiving a hearing during the Progressive era, was woman suffrage, which was later accepted by the country. Presidential preferential primaries, allowing the people to vote for delegates to national political conventions and indicate their choice for presidential and vice-presidential candidates, were adopted by some states. Corrupt practices laws, to reduce the influence of money in political campaigns, were adopted in various forms by many states.

These were political measures and point out the confidence of the Progressive in the electorate. The majority, it was believed, could be depended upon to make a morally sound

judgment. But in order to attain the mental apparatus required in the making of such a judgment, it was necessary that each member of society have information available and the educational experience necessary for weighing the facts. New printing methods and the consolidation of publications made abundant information available to the public in a form appealing to any segment of the population. At the same time, attention was given to compulsory education for children and to the improvement of the quality of education available in the state school systems. Attention was given to higher education also, especially with appeals for additional funds for expansion. It was a Progressive characteristic that highly trained personnel from colleges and universities were required to make their services available to the general public, as well as to the government. In the same direction, experimental farms, demonstrations, and aid in adopting new agricultural techniques were advanced through state legislatures, often with university supervision.

Strict enforcement of the compulsory education and truancy laws strengthened efforts in regulating child labor. The state laws in this field became stronger and more inclusive with each legislative session. After the Louis Brandeis victory in the case against management for the right to regulate the hours of work for women, the nine-hour day was accepted by the state legislatures. State legislatures also passed laws providing for safer working conditions in all phases of industry, with necessary inspection.

Although labor unions were slowly gaining members, management fought them, the courts decided against legislation to aid these groups, and the laborer was slow to join, for he continued to believe in his individual opportunity for advancement. However, management had held that the worker himself was responsible for any industrial accident, unless it could be proved otherwise in court. Therefore, death or injury to workmen required no compensation from management without a court battle and this was a costly operation, usually resulting in victory for management. This was the only possibility for the individual workman with no organizational power behind him. By 1910 the unions had gained enough strength to be heard by state legislatures in their appeal for laws that would remedy this situation. State legislatures began by appointing committees to investigate possible employers' liability acts. Workmen's compensation measures gained in number after 1912. These provided automatic compensation to the families of workmen left with no means when their breadwinner was disabled or killed in an industrial accident.

Trust busting was a popular means of regaining the lost competition on a federal level, but the state was not a large enough unit to accomplish this. Therefore, states passed individual laws regulating corporations. Railroads were considered the most serious offenders and many states followed the Wisconsin example of establishing railroad commissions and giving the commission the power to set rates for passengers and express, control the issuance of stocks and bonds, and to examine the

accounts of the railroads in order to make a fair judgment. Public utilities commissions in many states served a similar function. On the city level, the commission form of government gave the people a greater voice in the affairs of the city, including the sale of franchises and perhaps even municipal ownership of utilities.

Conservation received a great deal of state-wide attention in response to federal movements for the proper use of resources. Reclamation and irrigation were brought up to date. Consideration was given to preservation of fish and game. Most states formed their own conservation commissions or departments of forestry.

The Progressive era brought about a greater regimentation in the lives of the individual. Government became bigger as it took on new responsibilities, in spite of the fact that the new duties were for the general welfare. State and federal pure food and drug laws protected the individual, but required greater inspection forces. Vital statistics laws demanded that the course of one's life's statistics be kept by the government. New health measures required a certain amount of sanitation on the part of the individual. He paid taxes for improving state institutions for indigent, insane and anti-social members of his society; but the reformation of the country demanded this kind of sacrifice from the individual.

These were some of the issues with which Progressivism was concerned. The purpose of this paper was to determine the extent of the Progressive influence in the states of Kansas and Missouri, which were two very different states when one considered

background, but at this point were led by two Republicans from Kansas who were considered Progressive. Herbert Spencer Hadley found that his anti-trust suits were popular enough with the general public to secure his election as governor of the Democratic state of Missouri. Walter Roscoe Stubbs acquired his following in Kansas through his work in establishing a new political machine in place of a "corrupt" old one and taking the issues to the people through extensive speaking campaigns. The programs presented by these governors to their legislatures were successful according to the strength and agreement of the progressive members. The final results in each case added statutes that followed the general lines of placing greater power, in the hands of the people, restricting corporations, and increasing the field of social welfare.

Materials used in this study consisted primarily of contemporary newspaper accounts of political activities. Since newspapers and periodicals were the principle source of information to the people in a movement claiming the people as the object of their endeavor, they were considered substantial sources for a study of Progressive activity in Kansas and Missouri. Newspapers consulted included the Kansas City Star, Topeka Capital, Emporia Gazette, and the Jefferson City Tribune. Articles from periodicals used were Samuel Blythe's "A Redheaded Quaker" from The Saturday Evening Post; Dana Gatlin's "'What I Am Trying to Do': An Interview with Honorable W. R. Stubbs" from The World's Work; and William T. Miller's "The Progressive Movement in Missouri" from The Missouri Historical Review. The

speeches of both governors, the papers of Governor Stubbs, and the Kansas Legislative Journals for 1909 and 1911 were consulted. Background material came primarily from William Frank Zornow's Kansas, A History of the Jayhawk State, William Allen White's The Old Order Changeth and Autobiography, Richard Hofstadter's The Age of Reform and Eric F. Goldman's Rendezvous with Destiny.

CHAPTER II

"A REDHEADED QUAKER"

The life of Walter Roscoe Stubbs, eighteenth governor of Kansas, told a story through its first half century that would make any man proud he was a citizen of a country that could produce the necessary ingredients for the formation of such an individual. He was born November 7, 1858, near Richmond, Wayne County, Indiana, probably the largest transplanted Quaker settlement in the United States. His family migrated in 1861 to Lee County, Iowa; then in 1869, they established their permanent home at Hesper, Douglas County, Kansas. They were a Quaker family seeking a Quaker settlement in which to follow their religion and provide for themselves as well. Walter Roscoe was the second son in a family of twelve children. The children were "brought up to despise shams and hypocrisy."¹ They were taught absolute integrity, and gained "personal honesty, simplicity and directness in business life and . . . public character"² from their Quaker background. Stubbs retained the customs and beliefs of his religion throughout his life and

¹Frank W. Blackmar (ed.), Kansas: A Cyclopedia of State History, Embracing Events, Institutions, Industries, Counties, Cities, Towns, Prominent Persons, Etc. (Chicago: Standard Publishing Company, 1912), III, Part 1, 32.

²William E. Connelley, A Standard History of Kansas and Kansans, ed. William E. Connelley (Chicago: Lewis Publishing Company, 1918), V, 2380.

there was never a question as to the honesty of his actions or motives.

His education was limited to the local rural schools. He did enroll January 25, 1881, in the preparatory department of the University of Kansas, but did not complete any work there.³ His working days began at the age of eight. In the years before 1881 he was moderately successful in several inconsequential types of work. He worked as a clerk in a store, had many farm jobs, rented farm land in Johnson County on which he raised sorghum and had it refined. By 1879 he had acquired a team of mules for his use because he had broken them.

It was at this point that his construction work actually began when he received the contract for grading a couple of miles for the railroad with his mules. He was able to finish well ahead of schedule by hiring another team to help him. This suggested his ability, later well developed, for handling and organizing men and materials. His railroad work included the organization of a commissary train for feeding construction gangs as well as building many miles of track.

The first sizable contract he received was for the building of the Santa Fe line from Kansas City to St. Louis.

Before submitting his bid it is said that he drove over the entire route and carefully examined it in detail and supplemented the technical routine of his bid with so much information gained thru his personal observations that the

³James C. Malin, "Stubbs, Walter Roscoe," Dictionary of American Biography, ed. Harris E. Starr (New York: Charles Scribner's Sons, 1944), XXI, Supplement 1, 677.

railway company awarded him the contract over a large number of competitors.⁴

With characteristic thoroughness and attention to details he finished the work very satisfactorily for the railroads and netted himself a quarter of a million dollars. These construction operations expanded into a very successful and lucrative business "with headquarters in such cities as Chicago, St. Louis, Kansas City, Los Angeles, and other important cities as occasion demanded." As a large employer of men, his knowledge of human nature was increased to such an extent that he rarely made a mistake in his estimate of those with whom he came in contact, a faculty that was of great benefit to him in his political career.⁵

Although he had been a poor boy, a frugal boy, he had, as the American story goes, worked hard and used his ingenuity to build a substantial fortune. He was finally able to settle his family, wife Stella Mostettler Stubbs and their four children, in Lawrence, Kansas, where he built them a fine home. By this time, around the turn of the century, he had become the president of the first national bank in Lawrence, influential in YMCA circles, a thirty-second degree mason, and was considered an outstanding citizen of the town. He was no longer frugal, but knew how to spend his money to accomplish his purposes. However, "he had lived to be nearly fifty years

⁴Connelley, v, 2380.

⁵Frank W. Blackmar (ed.), Kansas: A Cyclopedia . . ., III, Part I, 33.

old without even taking the time or interest to vote at elections, being too engrossed in his business."⁶ He had absolutely no idea of ward, town and county organization behind the political parties.

Stubbs was a tall, just under six feet, man and was probably around two hundred pounds in weight. He

was a natural leader of men, of an impressive personal appearance with a fine head and a broad and splendid brow, with a magnetic power over men's minds, gifted with an uncommon faculty of inspiring confidence, affection and loyalty and correspondingly of arousing intense antagonisms.⁷

Samuel Blythe in The Saturday Evening Post, just before the 1910 election, gives his readers this description of Stubbs:

Stubbs likes to think he is peaceable. He told me a half a dozen times he never did any fighting until they had him backed in a corner. Without venturing to dispute this self-analysis, there is no reasonable evidence to show that while Stubbs may not fight until he gets into a corner, he always has a corner or two handy to get into at any hour of the day or night. Being a Quaker, he has to hold it out that he is a man of peace, but being a red-headed Quaker he really is a fighting man who has rampaged up and down and across Kansas for the past six or seven years and taken on all comers of whom there were plenty . . .

The facts are that Stubbs hates peace, the Demon-Rum, old-line Republicanism and Charley Curtis, and he loves salt-rising bread, his family, his horses and the people--his brand of people, I mean. He is rich and a spender. He lets go of money with both hands when he wants to accomplish anything--not in the usual sense of letting go money, but for organization, for publicity and for legitimate expense. He is tireless, energetic, tough as leather, full of fire, and animation; and yet, at times when he is talking, he slides down into a chair and drawls out his words as if the mere effort of conversation was too great to be endured.

⁶Dana Gatlin, "'What I Am Trying to Do:' An Interview with Honorable W. R. Stubbs," The World's Work, XXIV (May, 1912), 60.

⁷George M. Pearson (ed.), Benjamin and Ester (Furnas) Pearson: Their Ancestors and Descendants (Los Angeles: Times-Mirror Printing and Binding House, 1941), p. 346.

Stick a controversial pin into him and he is up in a flash, tense all over, his face lighted with the joy of combat and a whirlwind of action and argument. He wears good clothes, but doesn't fuss about them and often looks creased and baggy . . . He is too busy.

. . . There is nothing ordinary about Stubbs, either in appearance or action. He is a long way from being a handsome man, but after you look him over you think he would be a good person to have about in an emergency.⁸

This was the kind of man that was approached by his friend, Marcus A. Low, in 1902 with the suggestion:

that he run for the state legislature from Douglas County. M. A. Low was a general attorney for the Rock Island Railroad, and also he was Stubbs' friend. It meant nothing coincidental to Stubbs that a big Senatorial fight was coming off the next year (1903) when the Rock Island people wished to see Curtis go to Washington and that he lived in Douglas County, the natural territory of Stanley and Long, who were the candidates opposing Curtis. Stubbs ran for and was elected to the state legislature in 1902, utterly innocent on the old "popular man" gag. And he voted for Curtis.⁹

But after two sessions in the legislature, he did not get any more railroad contracts, for he found he did not care for the manner in which the railroads operated. "He now decided to sell his business, railroad contracting does not flourish when one is regarded by the railroads as a bitter enemy."¹⁰ After becoming completely engrossed in politics, he devoted all his time to his new vocation.

In this new vocation, Stubbs felt that he had something to contribute, something that would make his state a better

⁸Samuel G. Blythe, "A Redheaded Quaker, Being an Account of Some of the Activities of Walter Roscoe Stubbs," The Saturday Evening Post, November 19, 1910, p. 3.

⁹Gatlin, The World's Work, XXIV (May, 1912), 60.

¹⁰Ibid., p. 61.

place in which to live and give back to the people something they had lost, their control of their government. In 1902, these contributions had not even been conceived by Stubbs, nor had his political ambitions. But after his first session with the legislature, he learned rapidly how to get his ideas across by contacting as many people as possible, political leaders and laymen. When Stubbs was on the campaign trail, he had something to say to the people and he had a way of saying it that captured the confidence of the people. He spoke to any audience gathered in any area of the state in 1904 with his Bossbusters program, in 1906 with his Square Deal program, and in 1908 as a candidate for governor. Then after becoming a leading Progressive governor, he was in demand nationally.

As he stumped his way through Kansas, speaking at chautauquas, fairs and meetings, he employed rather spectacular methods for making friends with his audiences and putting himself at ease. He would bring out a battered handkerchief to mop his brow, say Mrs. Stubbs actually did take better care of him than that especially since she made excellent salt-rising bread, explain each step in making his favorite food, while taking off his coat and rolling up his sleeves, often showing his red underwear. In so doing he became just one of the "folks" and they were placed in a responsive frame of mind for the main points of his speech which they received with enthusiasm. His speech was, in this case, the common speech of the working man acquired in construction camps and farm jobs. He had schooled himself to be a most forceful talker who hammered in his points in as plain language as he could command, and he had a lot of

that kind of language in stock.¹¹ Blythe remarked on his ability to make himself fit:

At times he speaks the most immaculate English; and then, again, he seems to switch his English as it suits him, but he never makes the mistake of switching it at the wrong time.¹²

As easily as he made friends with "the people" he was sincerely trying to help, he made powerful enemies with corporations, railroads, political machines; but in this there was also to be found strength. Stubbs found that his enemies taunted him into doing the "right" things that were the most difficult to do. He was proud of the kind of men who were his enemies since they stood for completely different ideals in government.

As Stubbs entered the state capitol for the 1903 session of the Kansas Legislature, he was experiencing a first in many respects. He had never been to the capitol; he knew none of his fellow legislators well; and he knew nothing of parliamentary procedure or the reasons for passing and the methods of introducing much of the legislation. On the other hand, the legislature knew nothing of Stubbs or of the loud voice he would later project throughout the state when things were not as he thought they should be. He was more familiar with businesses, so this was what he investigated first. He found:

the old Kansas Republican machine was in full control. It was a perfect, compact, old-style, take-care-of-the-boys organization held together by patronage . . . and headed

¹¹Blythe, The Saturday Evening Post, November 19, 1910, p. 49.

¹²Ibid., p. 3.

by skillful and practiced politicians. The graft was good and it was worked to the limit.¹³

It was all a revelation to him and he was astonished at what he found. . . . He discovered that a member of the legislature . . . was a mere cog in a machine that demanded strict conformity and discipline. It was not in his nature to be a cog in any machine, or anything less than a dominating factor.¹⁴

Stubbs began something different. Even though he was ridiculed, he began to move in a direction counter to the machine rule. As he had become familiar with legislative ways, he found that he not only did not like being a cog in a machine, he also did not approve of the wasteful way in which the people's money was squandered in doing the state's business. The machine politicians were more amused than concerned when he introduced a bill of inquiry into the number of legislative employees, which was excessive; and just punished him a little for his audacity by cutting the appropriation for the University, which was in his district.¹⁵ During this first session, he also saw need for reorganizing the office of the state printer and the boards of the state's charitable institutions. He was unintimidated by any threat from the machine; they could neither scare nor silence him.

¹³Ibid., p. 4.

¹⁴Pearson (ed.), p. 346.

¹⁵Bright suggests that Stubbs personally made up this twenty thousand dollar deduction. John D. Bright (ed.), Kansas: The First Century (Lewis Historical Publishing Company, Inc., 1956), II, 23.

These events brought Stubbs into a set of circumstances with which he could very well cope. He saw something that needed to be done and "saw in the record of the Curtis machine remnants out of which to build another machine. . .; and he machinated"¹⁶ in order to accomplish these things. In 1903 he made himself heard over the state on the subject of "superintendents of ventilation" and other useless employees of the legislature; and he also had personally offered \$200,000 to use in overpowering the political bosses who put them on the payroll. During that summer he began an unheard-of type of campaign, using long distance telephone and telegraph to all state leaders who were not totally committed to the machine. He recruited Thomas Murdock and with many others they were able "to form an anti-Leland-Albaugh combine."¹⁷ Edward W. Hoch had been rejected for state printer because the machine had supposedly made a deal whereby two of the machine faithfuls were to split the spoils from that office.¹⁸ This was an excellent source for publicity against the machine and the state newspapers cooperated readily in arousing the people against the machine bosses and in sympathy with Hoch for governor. This was the Boss-buster movement, as the newspapers called the organization to break the Leland machine. The whole state was up in arms. The Boss-busters were so successful they overpowered the

¹⁶Gatlin, The World's Work, XXIV (May, 1912), 60.

¹⁷William Frank Zornow, Kansas, A History of the Jayhawk State (Norman: University of Oklahoma Press, 1957), p. 210.

¹⁸Blythe, The Saturday Evening Post, November 19, 1910, p. 4.

state Republican convention and nominated Hoch for governor after Governor Bailey withdrew under pressure. Stubbs replaced Mort Albaugh as chairman of the Republican State Central Committee. The Boss-busters wrote a liberal platform on which to run and win in 1904. There were enough Boss-busters elected to the 1905 legislature to make Stubbs Speaker of the House of Representatives.

Before the beginning of the legislative session he had a number of bills in the way of reform legislation prepared, such as placing the state's charitable institutions under one board of control and inaugurating the civil service system among the employees in such institutions; to revise the methods of doing the state printing, and to provide for the nomination of all candidates by primary election.¹⁹

The 1905 session was progressive and active. Under the leadership of Stubbs, who felt that campaign pledges were sincerely and honestly made, several reform measures were passed that fulfilled these promises. Not so terribly important, but perhaps somewhat symbolic of the movement in general, the number of legislative employees was cut from two hundred thirty-two during the 1903 session to less than seventy in 1905. Those employees with only honorary positions on the payroll were discharged in the interest of economy. This idea of economical management, of applying good business principles in government, was a dominant theme in Stubbs' political campaigns and fit in well with the Boss-busting crusade.

The Boss-busters were able to reform the office of the state printer, making him elective and salaried, and the plant state owned and operated. This had been a fat contract for some

¹⁹Blackmar (ed.), Kansas: A Cyclopedia . . . , III, Part I, 33.

machine regular associated with the printing business and an excellent source for patronage dispensed by the machine. Stubbs was also able to abolish the old State Board of Charities. Rather than having a separate board for each institution, the boards were combined into one small board with jurisdiction over all institutions in the interest of efficiency. In addition the employees were to be made more efficient than political by placing them under a type of civil service. Further, the legislature wrote a new law making changes in the state treasury. The measure required state funds to be deposited in approved banks with the interest going to the state instead of to the treasurer. Previously the law had stated that funds were to be kept in state vaults; but in reality they were lent to banks "under cover" while in transit from the various counties, the state treasurer receiving the interest payments.

In the field of labor, a law was passed prohibiting children under fourteen years of age from working in mines, factories or other undesirable places. The working hours of railroad employees were regulated to eighteen hours a day. To control the power of The Standard Oil Company in the state, a law was passed to build a convict-operated refinery at Peru, but it was declared by the courts unconstitutional on July 7, 1905. A juvenile court was established for offenders under the age of sixteen. Attention was given to a system of good roads, to fish and game wardens, and to a pure food investigation at Kansas State Agricultural College. Teachers were to have their certificates registered with the county superintendents. An

office for Livestock Sanitary Commissioner was established in place of a similar board of three members; and the Board of Railroad Commissioners was given the power to establish freight and passenger rates. There was much accomplished in the way of reform, but the consideration of the pledged primary election law was not successful.

Unfortunately, this reform group was allowed only one session of the legislature in which to work. At that time the political machine and the railroads were feuding, and neither was strong enough alone to curtail the reform activity. But they soon saw the necessity for unity and the Stubbs group discovered that the railroads were actually in the same "low" class as the political machine. Furthermore, Hoch was recruited into the machine. Stubbs lost the friendship of his governor. There was need for re-organization and Stubbs started an intensive new campaign to break what had been his Boss-busters.

In January, 1906, Stubbs and company traveled to Wichita to form the Kansas Civic League; an organization to fight the power and influence of the unrestrained railroads. This group of reformers, however, did not gain enough momentum to control the 1906 state Republican convention. Stubbs lost his chairmanship. He did not even have a standing on the platform committee, which ignored the five planks he offered for inclusion. He still wanted the party pledge for a state primary; and for control of the railroads, he wanted pledges for an anti-pass law, a two-cent passenger fare, a maximum freight rate, and a state tax commission established so railroads would not have the advantage of the board of railroad assessors. The activities of this

board resulted in inequitable taxation since the board could be controlled by the railroads who were thus assured a lower rate of assessment and therefore paid a lower rate of taxation.

Stubbs did not forget this denial; in July a group headed by Stubbs, Murdock, J. A. Troutman, H. T. Chase, and F. H. Quincy met in Topeka. They remolded the Kansas Civic League into a stronger Kansas Republican League whose purpose was to give Kansans a Square Deal.²⁰ With this as a springboard, branch leagues were formed throughout the state, all preaching the inclusion in the 1906 Republican state platform of the above five planks of Stubbs. In this manner the tenets of Stubbs became well understood and popular with the citizenry. Stubbs spoke everywhere against railroad influence; again made an unheard of number of long distance phone calls; and sent as many as twenty-five dollars worth of telegrams a day. Some felt this to be extravagant, but the people were reached, educated for reform. To get the platform properly amended they:

addressed questions to all legislative candidates and candidates for state offices, and pledged them to support the Stubbs' demands. For these demands were so reasonable that a candidate before the people found it embarrassing to refuse to support them.²¹

The amended platform included four of the five planks: a direct primary, equal assessment of property, an anti-pass law and a two-cent fare.

²⁰Zornow, p. 213.

²¹William Allen White, "The Kansas Fight," LaFollette's Weekly Magazine, January 16, 1909, p. 5.

With all this state-wide agitation, Stubbs was re-elected as representative from Douglas County. His Square Dealers, 1907, were not as strong as the Boss-busters in the previous session, while, together, the machines put up a strong front. However, the reformers were able to pass a maximum freight rate law producing a fifteen per cent reduction in freight rates on grain and grain products, an anti-pass law, and a tax commission bill that abolished the board of railroad assessors. The primary was again disregarded and the two-cent fare passed as a three-cent fare with qualifications. The Board of Railroad Commissioners was given more power. With increasing talk of a special session and this additional strength of the Board of Railroad Commissioners, the railroads decided to "voluntarily" adopt a two-cent fare, effective October 5, 1907. This legislature also passed a state pure food law similar to the national law and legislation that allowed first and second class cities to adopt a commission form of government.

After the session, Stubbs had the state primary as an issue and with a "crusader's idealism he took his ideas to the people in speech, action and press."²² He was becoming very well known because he was so willing to inform the citizens on what should be happening and was not. He was always available for a speaking engagement and the people were by this

²² George H. Callis, "A History of the Progressive Party in Kansas" (unpublished Master's dissertation, Graduate Division, Kansas State Teachers College, Pittsburg), p. 49.

time convinced of his honesty and good intentions toward them. But the old Leland-Albaugh-Mulvane (with the railroads) machine combination seemed too strong to break. Then Governor Hoch decided he had a score to settle with Senator Chester I. Long and the best way for him to settle it was to call a special session of the legislature in January 1908, to consider the primary law and a bank guaranty law,²³ popular measures that were definitely against the machine ideology. Stubbs was able to lead this session in obtaining an excellent primary law for the state. As Zornow summarizes:

The candidate of each party who received the highest total of votes for any office, except senator, would be nominated. The candidate for United States Senator receiving the highest number of votes of his party in the greatest number of representative and senatorial districts was the nominee for his party.²⁴

It was Stubbs' aim at this time to campaign for the seat of Senator Long who would be up for re-election in 1908. William Allen White said the Long machine induced Joseph L. Bristow of Salina to enter the race thinking that in the primary fight the reform votes would be divided between Bristow and Stubbs, enabling Long to win again as a conservative Republican.²⁵ The machine did hold the power, for in the final Kansas state convention, held in March, 1908, it was endorsed by nearly all the counties and Stubbs controlled only about one-fourth of the delegates. But convention had been replaced by primary and the

²³Gatlin, The World's Work, XXIV (May, 1912), 61.

²⁴Zornow, p. 214.

²⁵White, LaFollette's Weekly Magazine, January 16, 1909, p. 5.

machine was outdone in its own game; for Stubbs, guided by White, "unselfishly" agreed to run for governor, giving unchallenged Bristow the opportunity to gain victory over Long. As candidate for governor against Cy Ieland, Stubbs was almost assured of victory for himself. So the results of the first primary in the state of Kansas placed two prominent progressive, or insurgent as they preferred to be called, Republicans in nomination; one for governor and the other for United States Senator. The first time the people of the state were able to speak as an entity for the kind of government they wanted to endorse, they spoke for reform. Stubbs and Bristow were elected in November on a platform that contained absolutely no evidence of machine influence.

Zornow gives this resumé of the legislative prelude to the progressive era in Kansas:

These men were not "a bunch of wild-eyed Populists", as one critic said, but men of substantial means who had seen the need for reform and were determined to bring it to pass. Hoch's administration had set the stage for the Square Deal victory. The political errand boys had been driven off the state payrolls by the regulation of the state printer and treasurer, which robbed the politicians of their slush funds. The State Board of Control broke their power over patronage. The Tax Commission smashed the link between the railroads and the politicians, while two-cent fare and anti-pass laws weakened the railroads' influence in politics.²⁶

At the time of his election as Governor of Kansas, Stubbs resigned as bank president in order to have no conflicting interests. However, his interests were varied and

²⁶Zornow, p. 215.

along with his political work, as Blythe points out:

He established a mission in Ceylon and maintains it, with house and church and minister. He keeps a man in Labrador experimenting with the ductless gland of the whale toward the end of discovering something valuable in optical surgery.²⁷

During his four year administration, discussed in chapter three, Stubbs' progressive program brought to Kansas reform measures equaling those of any state. He was proud of his accomplishments and planned to continue his efforts to secure the adoption of those recommendations not passed by the legislature. He did not lose his political ambitions at the end of his second term as governor, but, as he was thwarted in his Senatorial ambitions in 1908, in 1912 and 1918 he was rejected by the people as their Senatorial candidate; these last instances due to the Progressive third party split with the Republicans.

When his political luck changed, and he no longer held an elective office, he moved through Kansas, Texas, New Mexico, and Colorado following an intense interest in agriculture and raising livestock. In 1917 he was appointed by President Wilson as a member of the United States Livestock Industry Commission. However, it was not only his political luck that had run out, for with the end of World War I came a depression in the livestock industry and Stubbs lost his wealth, concentrated in livestock, during the 1920-1921 season. Both in 1922 and 1924, he tried for the Republican nomination for Governor of Kansas, but the people were

²⁷Blythe, The Saturday Evening Post, November 19, 1910, p.4.

exhausted by the war effort. Reform agitation would not appeal to them until they had had time to settle back into peacetime routine once more. Stubbs had based his popularity on the Progressive reform movement, which had been temporarily halted, and allowed new personalities to become dominant within the state.

The American success story did not run its full course with Walter Roscoe Stubbs. After the age of sixty his political hopes, if not his aspirations, were broken. Within four more years his fortune had collapsed. The last five years of his life found his health declining, and he died in Topeka in 1929. He was buried in Lawrence, where he had maintained his residence, in the district he had represented in his first political adventure.

CHAPTER III

THE KANSAS IDEA

Stubbs was the first governor of Kansas to be nominated by the people in a direct primary. The platform on which he successfully ran, as shown before, was written by Progressives. The platform contained nine planks, preceded by a preamble stating: "We hereby pledge ourselves to enact into law the following measures at the next session of the Legislature."¹ The Progressive Republicans thus made a covenant with those citizens who elected them to office. They promised:

- An appropriation sufficient to ascertain the valuation of property owned by public service corporations.
- A law providing for the control by the state of the issue of all stocks and bonds by public service corporations and limiting such issues to the value of the property owned by such corporations.
- An anti-lobby law.
- The creation of a Legislative reference library.
- A law providing for the election of the tax commissioners and county assessors by direct vote.
- A provision by the Legislature for state forestry.
- A law compelling all candidates and all committees to publish all contributions and expenditures of a political campaign under oath with a severe penalty for violation.
- A bank guaranty law enabling the state banks of Kansas mutually and voluntarily to guarantee deposits under the supervision of the bank commissioner's department and request our candidates for Congress and the United States Senate to favor a law enabling national banks to participate therein.

¹Topeka Capital, March 2, 1909.

- A liberal appropriation for enlarging the operation of the department of animal husbandry of the State Agricultural College.²

The people approved, apparently, for the Legislature was predominantly Republican (not so surprising in a strong Republican state like Kansas) and was thought to be strongly insurgent. The Kansas City Star of January 28, 1909 noted remarks it had heard of this being "the first Populist legislature in Kansas since 1893." However, it concluded that if the membership fulfilled its promising beginnings, it "will be able to 'bear up' under the charge of professional politicians that the legislature is Populist."³

In his inaugural address, January 12, 1909, Stubbs outlined the program he thought necessary for the state; a very ambitious program. The Kansas City Star of the same date deemed it "remarkable for the directness with which it deals with the questions uppermost in the public mind. . . . The Governor has not side-stepped a single issue that he advocated in the campaign. . . ."⁴ He asked for a Public Utilities law patterned after that of New York and Wisconsin, and stated the provisions he thought it should have; he asked for good roads legislation that included a state engineer, county supervisors, and systematic work on main roads. He wanted the tax commission elected by direct vote rather than appointed and the organization of county assessors changed in order to obtain

²Ibid., August 26, 1908; March 2, 1909.

³Kansas City Star, January 28, 1909.

⁴Ibid., January 12, 1909.

more efficiently the true value assessment. He asked for a new banking law (in addition to the bank guaranty which he insisted upon, having promised it in the campaign) that would make the banking officials more responsible to their customers. He wanted a law whereby corporations could continue their business in the state after corporate abuses had been corrected by a receiver. The city commission form of government needed to be amended to include the vote of women on adoption, and to provide initiative, referendum and recall to the cities, plus a few additional amendments. A guaranteed two-cent passenger rate law was needed, as was a new, more stringent anti-pass law. He pointed out the desirability of an anti-lobby law enacted during the first week of the session, in order that the legislators might work without the corruption of the lobbies from its first days.

Stubbs asked for greater control in the illegal sale of liquor; many changes to strengthen school laws; and a new system of choosing state school text books. He recommended more restriction of child labor and an employers' liability law drawn along the lines of federal legislation on the same subject. Included were suggestions for improving the primary election law, strengthening the Board of Health and informing the people as to the prevention of tuberculosis through statewide educational campaigns. An accredited forester to serve the state was suggested. And Stubbs advised passage of a new and revised code of civil procedure; also, a new just reapportionment of state legislative districts. He wanted authorization to remove from office derelict officers; to form a board of

control over the state penal institutions; to set up machinery to pay the state debt; and an appropriation for a Reference Library Bureau for the legislators. Then he sought approval for the publication of campaign expenses to curb the influence of wealth in any political campaign. In conclusion he stressed the need for economy and efficiency in each phase of the government of the state.⁵

Probably the most publicized of the issues taken up by the Legislature was the Public Utilities bill. There were some twenty such bills offered to the House and Senate solving the problem in as many ways. But the bill, as offered by "administration" members of the Legislature, was written to fulfill pledges one and two in the party platform and so to provide regulation of public utility corporations and to protect the people from excessive rates, due primarily to lack of competition; also to regulate by acquisition of specific information the true valuation of such corporations. The Senate bill, introduced by Chad Hamilton of Topeka, provided for the retention of the current Board of Railroad Commissioners with two added experts appointed by the Governor to become the public utilities commission. The commission would have regulative power over not only railroads, but also water, gas, electric-light, heat power, express car, pipe line, telegraph and telephone companies, and others. The regulative power included the authority to set fair rates, which in turn necessitated giving

⁵House Journal; Sixteenth Biennial Session, Topeka, January 12 to March 12, 1909. (Topeka: State Printing Office, 1909), pp. 39-47.

the commission the power to ascertain the exact value of property owned by such companies, the amount of stock outstanding and the cost of operation.

The railroads had been side-stepping this issue for years by withholding such information; then when a rate was set, taking it to court declaring that it was confiscatory. The state, having no means of determining the real financial status of the company, was unable to enforce its claim in court, so the rate was usually declared invalid. The bill also gave this new commission the power to hold the issuance of stocks and bonds of these companies to the value of the property they owned.

In this case the Senate was offering the bill as promised during the campaign and advocated by Governor Stubbs. Similar measures, regulating utilities more or less, were in effect in fifteen other states at that time and this legislation which had passed the test in the courts of the land, was consulted in the writing of the administration bill; so that it did have authority and experience behind it.⁶

However, the House introduced its own bill: a home rule type offered by Representative Morgan and completely at variance with the Hamilton bill. It called for the regulation and control of city-wide utilities by the councils of the various cities. Companies falling under the jurisdiction of the councils would be those supplying water power, electricity, natural or artificial gas, steam heat, street railway service, telephone

⁶Emporia Gazette, February 19, 1909.

or telegraph service, express or parcel delivery service.⁷ This would also give the cities power to inspect the books of the companies in order to fix maximum rates, regulate their collection, and to limit the earnings of the corporation to ten per cent of the valuation of its property and franchises.

The issue of a public utilities commission precipitated a great deal of newspaper propaganda, the majority of which condemned the Legislature for its conservatism and strongly supported the administration in its efforts to secure an effective measure. Some comments from the columns of the principal newspapers of the state indicate the sentiment of the time.

William Allen White's Emporia Gazette on February 19, editorialized in favor of the administration measure explaining that sound public utilities laws were at that time operating in Massachusetts, New York, Michigan, Wisconsin, and Virginia; that these laws were the models for the administration measure and that the principal sections of these laws had been upheld by the courts of the land; therefore, they were constitutional. It would then follow that there was no reason for the people of Kansas to be denied the legislation written exactly as it had been promised.

The law was needed to:

keep capitalizations some place near the value of the property, so that when a rate is made by the legislature or by the utilities commission, . . . it will be based on expert knowledge. Then, when the railroads or other public service corporations go into court they will not say that

⁷Topeka Capital, March 3, 1909.

the rate is confiscatory, because it does not permit them to pay interest on their bonds. For no bonds will be issued under this new law, for merely wild-cat and speculative purposes, and bonds will represent value . . .

"Every vicious interest in Kansas" was accused of working against "honest" legislators to defeat this bill. Those specifically named in this editorial were the railroad Democrats, the machine or old regime, and the railroads and their lobby (with which were associated most other utilities), each of these groups obviously having selfish personal interests in preventing legislation for the public good.⁸

The editorial staff of the Kansas City Star valued the House amendment as neutral and worthless, and stated that such a measure defeated "the entire purpose of the utilities measure". They gleefully pointed out to the Kansas lawmakers that Missouri had at that time similar legislation which Governor Hadley was endeavoring to change. Governor Hadley had requested a statewide commission while the Kansas House was manipulating for a home rule bill similar to that which had not proved adequate in Missouri.⁹

Again in the Gazette was found loud criticism of home rule. This was what the lobby wanted, said White, because the cities would not be able to control long distance telephone or farmers' telephone lines; nor would telegraph companies, or interurban companies, or city companies operating outside city limits be under the regulation of individual city

⁸Emporia Gazette, February 19, 1909.

⁹Kansas City Star, February 24, 1909.

councils. Also in favor of the corporation was the fact that the city would have no comparative information or standards of cost. It would be difficult for a city council to obtain information on which to base their determination of fair and reasonable rates. White openly expressed scorn for those who introduced this measure as a means to discredit the Republican administration "by making it keep the promise in form and break it in spirit."¹⁰

In bolstering the spirit of the people as to the legitimacy of their requests of the Legislature, the Star made this assessment:

In every political contest in the past few years the people have voted for the issues involved in the Public Utilities bill. They defeated the old Republican "machine", they drove Senator Long from public life; they forced a reorganization of the party for no other purpose than to get a law that will meet their demands for the equitable control of public utilities. And all this has occurred within the last two years. . . . The progressive Kansas idea is in line with the best thought of the nation, and it is not the state to be defeated in its great purpose by the cheap politicians, the time servers or the corporation agents. . . .¹¹

They believed every representative in the Kansas Legislature should be aware of the feeling in the state on this subject.

A front page article in the Topeka Capital on March 2 said, "Let the Senate Take Action". Here it was pointed out that without doubt public utilities legislation in the House had been defeated. And if no utilities bill was passed, they were concerned as to the effect on political morale and,

¹⁰Emporia Gazette, February 25, 1909.

¹¹Kansas City Star, February 26, 1909.

beyond that, the uncertainty among public utilities companies during the ensuing two years before another legislature might meet. Not knowing what another legislature might do, the companies would certainly leave any expansion or the formation of new companies for a later date. This article expressed it as the duty of the Senate to release the Hamilton bill from the Judiciary Committee where it had been held for seven weeks, pass it (or a similar "sensible" measure), and send it to the House.

Attention was also called to the fact that the Legislature, while being extremely cautious and conservative on the measures foremost in the minds of the governor and the people, made up for it by drastic measures on such small matters as the sale of cigarettes and alcohol.¹²

Editorially the same paper lamented the fact that the opponents of the administration had apparently succeeded in defeating the prize project of Governor Stubbs, the public utilities legislation. In their estimation the administration was entitled to greater confidence and support from a Republican legislature,¹³ (especially one that had previously been accused of Populist tendencies).

The question asked the next day in the Capital was "Why?" There was a need for the legislation, why was it not passed? Objections so far given to the bill were called feeble and largely disingenuous. The plea of "home rule"

¹²Topeka Capital, March 2, 1909.

¹³Ibid.

was called a fake, and this important point made:

We have "home rule", and franchises are largely given away and inadequately surrounded by restrictions by city councils. Councilmen are not experts, are not elected as experts in these matters, and have all they can attend to in the routine government of cities. The argument that the time has not come for regulation of public utilities is a mistaken view, for the time has come. . . .

Utility companies were said to have reached the point of preferring a regulative law to the state of uncertainty that would exist were one not passed.

The existing Board of Railroad Commissioners was chosen for nomination by a state convention for political reasons, not because any one of them held special qualifications for such a position; hence, to add to their duties would not guarantee that the job would be properly done. To obtain the services of well qualified personnel, such positions must necessarily be appointive, for experts would never become candidates for nomination.

Dire warning was given to the Legislature of growing dissatisfaction throughout the state with its lack of action.¹⁴

On March 7, too late for the utilities bill to pass that session, the Topeka Capital advocated a different method for passing progressive legislation: "Why not Direct Legislation?" Here was found the reasoning that since the Legislature refused to act "until public opinion has become manifest, so that no uncertainty could exist," it had become most desirable to have direct legislation in the state. The constituents

¹⁴Topeka Capital, March 3, 1909.

themselves could then settle the questions of public interest on which the Legislature would not act. This would save time and expense and there would be no room for doubt as to the desires of the people if they were given the opportunity to express themselves on the separate measures.¹⁵

Two days later this idea seemed to have gained some strength, for the Capital followed with the fact that in the House forty-four Democrats and forty-one Republicans voted for an initiative and referendum amendment to the Constitution, while twenty-eight Republicans voted against it. The amendment had gained such strength among the people, according to this publicity, because of the uncertainty of the present Legislature on such subjects as utilities, the State Fair, road improvements and taxation. The argument that constituents could decide had converted many both in and out of the Legislature to work for direct legislation. To the prevailing uncertainty was added the fact that the cities had demanded initiative, referendum and recall before chancing a vote for commission basis of city government. The members of the Legislature asked, "If the cities think they have to have it, why not give it to the state?"

The statement was made that should the Senate also pass this resolution, the people would almost surely accept it at the next general election.¹⁶

¹⁵Ibid., March 7, 1909.

¹⁶Ibid., March 9, 1909.

The Senate was not cooperative enough to pass such a resolution, and another of the issues thought by Governor Stubbs to be of prime importance was lost to the people of the state. This method of placing the government back into the hands of the people was also strongly advocated by William Allen White. For instance, on March 2, he asked editorially in the Emporia Gazette if perhaps the Legislature thought the city dwellers were more intelligent than those in the country, since city dwellers had been given the initiative and referendum, but the state as a whole was not allowed such a form of self-expression.¹⁷

Referring to the second of the campaign pledges of the Republican platform, that to control the issuance of stocks and bonds of public service corporations; a very limited bill of this sort was passed with almost no opposition. This bill was introduced by the House committee on railroads and provided for the State Board of Railroad Commissioners to regulate the issuance of stocks and bonds by railroad companies. In order to do this, the railroad companies, when considering such expansion, were required to file with the State Board a complete statement, showing the need for increased funds and the purpose for which these increased funds were to be used. If the company could show sufficient need, the Board was authorized to issue a certificate to the company allowing them to put additional stocks or bonds on the market; but the Board was not required

¹⁷Emporia Gazette, March 2, 1909.

to issue such a certificate if there were any signs indicating over-capitalization or watered stock. Since the railroads were the largest of the public service corporations, and were able to follow the course they chose for themselves in most cases, this was a good beginning for the control of such corporations, but not exactly all the party had pledged.

Nearly five per cent of all the bills introduced into the Kansas Legislature in 1909 had to do with railroads alone. Measures passed were along the lines of one that required freight trains to haul passengers, usually people accompanying their products to market, and to provide certain conveniences for these passengers. Bills introduced ranged from requiring railroads to establish passenger stations in certain places and keep night telegraph operators on duty, to the maintenance of crossings, or the protection of livestock transported, to the larger issues of the day, not only the issuance of stocks and bonds, but controlling freight rates, setting a two-cent passenger fare for the state and the anti-pass. The two-cent fare passed the House toward the end of the session, but because of the defeat in the courts of similar Missouri legislation, the Senate refused to pass it. However, the 1907 law had provided that the railroads sell mileage books for five hundred miles at two cents, the other passengers paying three cents a mile; and this safeguard would remain in the event the agreement between the State Board of Railroad Commissioners and the railroads for the two-cent fare should be broken (as was predicted) due to the Missouri court decision.

Anti-pass was even less successful. The 1907 law in this case had included local railroad attorneys and physicians on the "pass" list with railroad employees, etc. Legislation to prohibit their riding free was easily defeated.

However, a maximum freight rate bill was successful. This bill to bring Kansas rates more in line with those of other states fixed a maximum rate on most of the commodities shipped in Kansas, offering an average reduction of about fifteen per cent.¹⁸ The Topeka Capital lauded the passage of the bill saying that now Kansas freight rates would be lower than those of Nebraska and on a par with the distance tariff of Missouri. The greatest reduction went to those Western Kansas shippers who had been paying proportionately higher rates.¹⁹ It should be pointed out that the origin of this legislation was the House, which passed it with understanding. The Senate had to spend an entire day on filibustering before the measure, which had been suggested by the State Board of Railroad Commissioners, could be "forced" through.

Any further attempts at controlling corporations were, with one exception, defeated. Attorney General Jackson had prepared and advocated quite an extensive anti-trust bill that would not only control trust prices, but would protect the public from price shifts, and the individual going into business for himself. These bills had no luck. The only

¹⁸Ibid., March 1, 1909.

¹⁹Topeka Capital, March 4, 1909.

exception was one measure advocated for Missouri by Governor Hadley as well as for Kansas by Governor Stubbs. This law provided that any corporation becoming insolvent or abusing its corporate privileges be placed in the hands of a receiver to wind up its affairs or to correct the abuses, then return such corporation to its directors. This second option was a safeguard to retain business within the state.

Governor Stubbs did not receive all he asked in the matter of taxes either, although another four per cent of the bills introduced were tax measures, many of these of a local nature, and few passed. The House passed the measure to make tax commissioners elective, but the Senate would not agree. A law was passed making county assessors in all counties having over 12,000 population elective, and making county clerks the assessors where population was less than this. Stubbs had asked that the more populous counties only, those above 30,000, be afforded this elective office. The Topeka Capital of March 14 points out that "all the bills recommended by the State Tax Commission passed the legislature substantially without amendment"²⁰ with the exception of deleting the "uniform and equal" clause from the State Constitution, which it would not pass. Through this legislation the newly formed Tax Commission received certain adjustments that it had deemed necessary. The laws strengthened the full value assessment law, perfected the machinery of assessment and (hopefully) would "increase the revenue of the State without increasing the burden of taxation."²¹

²⁰Ibid., March 14, 1909.

²¹Ibid.

Of the measures to increase revenue, one placed a four per cent excise tax upon the gross earnings of express companies, to be ascertained by the tax commission. This necessitated express companies (including railroads) to file reports, which were to give the State in part some of the financial information it had been seeking.

The second revenue bill sought a state inheritance tax. At this time, thirty-six states already had such a tax and the states were fighting the federal government in order to maintain this source of revenue for themselves. The Kansas law of 1909 was a progressive law, with a higher percentage of taxation paid on larger estates, and distinguished between direct heirs, collateral heirs and heirs not of the same blood. For direct relatives the first five thousand dollars was exempt; a tax of one per cent placed on values between five thousand dollars and twenty-five thousand dollars, progressing to five per cent above five hundred thousand dollars. Collateral relatives were exempt only one thousand dollars, with a greater percentage taken from each progression. Non-relatives paid the five per cent on anything up to twenty-five thousand dollars; a much greater percentage on larger amounts. These rates seemed rather high especially on smaller estates, but the people were assured that the rates were up-to-date and in line with other nations and states.²² There seemed to be little criticism of the addition of such a tax.

²²Ibid.

One other revenue bill was passed, and vetoed by Governor Stubbs. This was Senator Avery's mortgage registration fee bill. The bill would take mortgages from the tax list, that is, exempt them from taxation, but place a registration fee of five dollars on each thousand dollars of the mortgage. There was a great deal of discussion on this bill, with opinion very much divided. The newspapers seemed generally favorable, but were not too disturbed by the veto. The veto was based upon laws of the state which made mortgages property and all property was to bear a uniform rate of taxation. There was little doubt that this fee would have been paid by the borrower which many people thought was inequitable, since benefit thereby went to the money lender.

The Republicans pledged the enactment of a voluntary bank deposit guaranty law and fulfilled this pledge. This was a new kind of protection for the people, not tested in many states. Oklahoma had passed such a bill in its previous Legislature and found enforcement to be an intricate problem. Nebraska was working on and passed the same kind of legislation in 1909 and it was mentioned in Missouri, with strong opposition. The bankers in all the states were against this guaranty, since they felt there was no need for it. Legislators were criticized for going ahead with the new law:

Notwithstanding the fact that the best informed students of economics and of banking believe that the system is fraught with injustice and likely to lead to ultimate disaster.²³

²³Kansas City Star, January 15, 1909.

Considering the above, the Legislature showed a fair amount of accord in the passage of this bill; although opposition to any guaranty law was strong in the House. The Democratic members had pledged a mandatory law, similar to Oklahoma's; but after the usual amendments and conferences, what was substantially the administration bill, providing for voluntary participation, became law. Consideration of this bill was given preference over the utilities bill and it was passed March 3, to become effective on June 30, 1909. The fund from participating banks amounted:

to \$500 for every \$100,000 of deposits to be put up with the State in approved bonds or in cash at the Bank's option, and \$50 on \$100,000 of deposits in cash. The Bank Commissioner is then to assess all members of the guaranty association \$50 on every \$100,000 of deposits periodically until this cash branch of the fund raised by such assessments shall amount to \$500,000, when assessments will cease, except to maintain the cash fund at that figure. . . .

There are safeguarding provisions all through the law and it is the best devised bank guaranty law that has ever yet been proposed . . . and will be the model²⁴ for all States which may adopt the joint guaranty idea.

J. N. Dolley, Speaker of the House in 1909, and a Stubbs man since 1907, was appointed State Bank Commissioner to supervise the installation of the guaranty. The approval of the bankers, therefore their willingness to become a part of the association, was in doubt since it was a voluntary program; but Dolley expressed confidence in the fact that they would join in great numbers. The National Banks could not legally enter, but could do so by surrendering their charters and reorganizing as state banks. It was thought that acceptance

²⁴Topeka Capital, March 12, 1909.

among state banks would be strong enough to press National Banks into reorganization so they would not be forced to compete with the guaranteed deposits.²⁵

By the end of the session the outlook for guaranty was most optimistic. And while Stubbs was seeking the nomination for United States Senator in 1912, the nation read in The World's Work:

Eight hundred state Banks with more than \$800,000,000 in deposits, comply with it, not because they are compelled to do so, but because they would not now have depositors otherwise.²⁶

This success did not come without adversity. Before the Guaranty had been in effect six months, the courts granted an injunction against it.²⁷ The Guaranty law had to receive its legal approval from the United States Supreme Court.

The only additional banking law passed provided that directors of banks meet no less than four times a year and be residents of the county or adjacent county in which the bank was located. Banks in cities having a population of less than five thousand were to have on hand funds to the amount of twenty per cent of their deposits; larger cities to have twenty-five per cent available. Double liability of stockholders was to be enforced and bank directors were required to swear to all reports, becoming more responsible for the condition

²⁵Topeka Capital, March 17, 1909.

²⁶Gatlin, The World's Work, XXIV (May, 1912), 64.

²⁷Zornow, p. 217.

of their banks.²⁸ This was only a small portion of what Governor Stubbs had asked, but the requirements made the banks more dependable.

The bank guaranty law was the second of the campaign pledges to be passed. The first passed was the anti-lobby bill requiring lobbyists to register and state their affiliation. There were twelve anti-lobby bills introduced and, in spite of the haste recommended by the governor, this bill did not become a law until February 18. The legislature thought to be so insurgent was showing signs of reaction.

Of the remaining campaign pledges, the last, favoring increased operations for the department of animal husbandry of the State Agricultural College, was defeated upon recommendation of the school's president, E. R. Nichols.²⁹ The Legislative Reference Library was lost in the final bout over appropriation bills with the accusation that Republicans were trying to manufacture a job for a Topeka attorney. However, such a bureau was created during the Stubbs administration. The Legislature did pass a bill establishing a division of forestry, headquartered at Kansas State Agricultural College, and appropriated \$13,000 for its use, as they had pledged.

The successful bill on campaign contributions provided that a statement be filed with the county clerk or secretary

²⁸Emporia Gazette, February 19, 1909; Topeka State Journal, March 9, 1909.

²⁹Topeka Capital, March 2, 1909.

of state by all candidates and party chairmen, showing all contributions received and itemized expenditures. Governor Stubbs had asked for a law in which the statement would be filed and publication of the facts be mandatory. This kind of publicity did not appeal to the legislators for the Senate bill did not include it and the House made no attempt to amend it.³⁰

Another successful measure that had been promised was the reapportionment of the state giving each county entitled to representation under the Constitution a representative. This allowed five southwestern counties to have one representative each. These counties had not had equal representation to that time.

One of the most important recommendations by Governor Stubbs was that for the enactment of laws that would help to improve and increase the number of roads in the State. In 1909 better roads were more important than ever since the automobile was becoming the popular means of transportation, and it was essential for Kansas to enact good basic laws for a system of roads that would be expanded in the future. The Kansas City Star especially endorsed such a road program, running editorials almost daily asking for good roads for Kansas. This was also one of the most popular subjects for bills introduced into the Legislature. Senator Hodges and

³⁰Ibid., March 4, 1909.

Representative Mitchell were the champions of this cause and it was:

with utmost difficulty . . . and annoying compromises with the opponents of good roads that these men were able to accomplish anything. . . . It is worthwhile to note this fact because it will appear in the light of history as a most remarkable incident that there should have been any opposition to these progressive measures.³¹

Enacted were a dirt roads law and a rock roads law. The latter provided that a petition of fifty per cent of the land owners in a district would allow the county commissioners to establish a benefit district and build a rock road which would be paid for by both county and benefit district.

The State Engineer bill also passed the Legislature. The engineer was to be appointed by the regents of the Agricultural College. His duties were supervision over general road construction, preparation of plans for state buildings and improvements, and dissemination of information on road building.³² There was one flaw in this bill that the legislators intentionally left for another session to correct, if they so desired. No appropriation was made with which to pay the salary. The Capital of March 10 commented:

. . . It was generally agreed in the Legislature that if road improvement is ever to be taken up on a systematic, comprehensive and economic scale there should be a State Lead. The objection to a state engineer for road work was the expensive salary. It was not until the closing hours . . . someone hit upon the perfectly self-evident solution of this difficulty, which was the creation of the office without a salary, . . . it was naturally adopted . . . and all that is needed now for some good road supervision

³¹Kansas City Star, March 14, 1909.

³²Topeka Capital, March 9, 1909.

is for some patriotic engineer to offer his services without remuneration. . . .³³

Generally, however, the good road laws were very well accepted. The Star said of the leaders:

. . . They gave to the state the laws that will pay dividends for all time - the good road laws. Within a few years the people will appreciate more fully than they do now what these measures mean to the prosperity of the state.³⁴

The city commission form of government law was amended to give all cities the authority to adopt this form upon a vote of the people, including women. The people of cities having the commission form of government were to vote on a non-partisan ballot and were given the use of the initiative, referendum and recall, in order for the people to have protection and the authority to pass judgment, if necessary, on the laws of their city and its business dealings.

Governor Stubbs had asked for more control over the illegal sale of liquor in Kansas, a dry state. Early in the session, with very little opposition, the Legislature passed a law making prohibition in the state complete. Even drug stores were prevented from selling liquor, for any reason. A law was also passed prohibiting the sale of liquor on trains passing through the state. Governor Stubbs, being an especially strong believer in prohibition, saw to it that these laws were enforced. Both he and the Attorney General were allowed contingent funds by this legislative body, of

³³ Ibid., March 10, 1909.

³⁴ Kansas City Star, March 14, 1909.

ten thousand dollars each, much of which was used to close the "joints" and prosecute those who operated them.

The federal government and President Taft were taken to task in order to prevent the Internal Revenue Commission from issuing stamps to liquor dealers that were not supposed to exist in Kansas. Kansas Congressmen were petitioned by resolution to support national measures that would facilitate state efforts to make prohibition complete. One biographer mentions that it was during the administration of Governor Stubbs "that prohibition in Kansas became a practical reality over the entire state"³⁵ and calls this one of the outstanding facts of his regime.

On the other hand, in the heat of the battle over public utilities several newspapers related the "radicalism" of the prohibition measure to that of one other measure that prohibited the sale or use of cigarettes. One said:

The Kansas Legislature failed to enact a Public Utilities commission bill, a Massachusetts ballot law and an anti-monopoly law. But let it not be forgotten that the Legislature boldly faced the storms of opposition and protest and enacted a law to save the full-grown men of that state from the cigarette habit.³⁶

One other complete prohibition bill that did pass with the approval of practically everyone was the bill to prohibit the type of gambling that was found in Bucket Shops. Owners of, the employees in, and those owners of buildings rented for bucket shops were made felons under this law and could be

³⁵Connelley, V, 2380.

³⁶Kansas City Star, March 11, 1909.

sentenced to the penitentiary for from two to five years. Immunity was granted to all willing to testify against bucket shops, who would not be punished for any testimony they gave in court, even though they might have worked in such an establishment. Previously the same kind of law had passed the Missouri General Assembly, causing the Missouri bucket shops to move into Kansas, especially in the Kansas City area. Only those making money through the operation of bucket shops complained about this law. All others gave it particular praise.

The most popular subject for bills introduced was education. More than ten per cent of the bills introduced were associated in some way with schools. The results added some strength to the school laws and one of Governor Stubbs' pet projects was passed providing for normal courses to be offered in public high schools and giving state aid to those schools qualifying. This was of vital importance in securing even poorly trained teachers for the public school system, for Kansas had been somewhat neglectful of this field. In a letter to Governor Stubbs from Luther R. Gulick, chairman of the Backward Children Investigation in April of 1909, we found this assessment of Kansas education:

. . . According to the last official report, Kansas spends less per capita on her schools than is spent by the average state of the Union. Excepting the Southern states, . . . she has a smaller percentage of her children in schools than other states. The reports from year to year indicate that she is going backward, not forward.³⁷

³⁷Governor's Papers, Walter Roscoe Stubbs, Kansas State Historical Society.

Evidence of this is seen in the fact that of all the laws introduced, the most important passed for schools generally were the fire protection laws for school houses and school children; and another excellent law, for testing the sight and hearing of students, passed without a necessary appropriation for carrying it out.

To solve another problem, a commission was established to study the state-wide publication of text books. Stubbs named a new committee of especially well qualified members including President Murlin of Baker, Professor Templin, George M. Hodges, Charles M. Sheldon, and Bishop Lillis in order to take this commission out of the hands of the book trust. Stubbs was also interested in adult education, requiring instructors and professors to demonstrate and lecture to the general public in their special fields. Counties, as well as colleges, were authorized to maintain demonstration farms to acquaint farmers with new agricultural methods.

Laws to protect children in the field of labor were strengthened. The 1905 law restricted children under fourteen from working in factories, etc., and in 1909 they were restricted in other fields to the age of seventeen. To reinforce this and insure for children their right to an education in the public schools, a law was passed stating that no merchant could employ a child under sixteen years of age during the school session except under certain conditions.

The legislature also gave its attention to various aspects of safety in the different fields of labor, mining especially, where laws were made to lessen the danger in using explosives. More important, a bill was passed creating the office of state factory inspector. All accidents were to be reported to him, an investigation made and penalties set if negligence was evident. Several laws were introduced to define employers' liability, but nothing was done in this session to help those laborers who were injured on the job. Their channels for aid were still very limited.

Several bills were introduced to amend the primary election law, but the most important change made was that to rotate names on the ballot so that no one candidate's name would head every ballot. The Massachusetts Ballot bill passed the House and merited some newspaper coverage. Although the House gave it a substantial majority, this bill to place the candidates of all political parties for the same office together on one ballot, with office sought and political party printed after the name of each, was called radical. It was a law that the people wanted however, since it would make it impossible to vote a straight ticket by simply going down one column or marking a ballot by following the party emblem then printed with the candidate's name.

The Senate, not wanting to vote on the ballot measure, stalled this bill in committee, amid loud criticism from

editorial columns. An example comment from the Kansas City Star said:

Two years from now no legislative committee will have the audacity to withhold the Massachusetts Ballot law. . . . It is in line with the Kansas idea. It is the best measure for regulating the exercise of suffrage and Kansas wants the best.³⁸

The duties of the State Board of Health were expanded as Governor Stubbs had requested. They were to make and publish sanitation rules and regulations, which included standards to be kept in such establishments as hotels and other public places, public baths and barber shops; for these were now to be regularly inspected by the Board. Some of the new ideas incorporated here were to be adopted over the entire country since they were basic to the public health in preventing the needless spreading of germs. With co-operation and enforcement the common drinking cup and the roller towel were gradually abolished; nine foot sheets replaced the towel size previously used by hotels.

The establishment of boards to insure adequate performance was an important part of the progressive movement. This was legislation to provide that products or individuals were actually what they were advertised to be. The most important legislation of this nature passed in 1909 was the adoption of the federal system of weights and measures that gave pure food inspectors the duty of seeing that the people were given correct weights. Foods, drugs, medicines, and liquors also

³⁸Kansas City Star, March 7, 1909.

had to meet requirements of inspectors. Meat was added to the strict inspection list, especially to prohibit the sale of diseased animals for food. Of the professions regulated, the State Board of Medical Registration and Examination was given permanent quarters; bills were passed to regulate the practice of dentistry and optometry and a state board of veterinary examiners was formed.

A strong new set of laws for the prevention of tuberculosis was also passed. New cases were to be reported at once so that preventative measures could be taken by relatives and friends. Destitute patients were to be supplied necessary materials by the state. Rooms inhabited by patients were to be disinfected by a health officer before again occupied by a healthy individual. The spread of germs by expectoration was prohibited. Milk cows were to be given tuberculin tests in order to pass inspection and the office of Dairy Commissioner was established to further insure the quality of dairy products. The State Board of Health was given a twenty thousand dollar appropriation to be used for a state-wide campaign to educate the public on the prevention of tuberculosis. The anti-tuberculosis laws of Kansas equaled those of any state in the nation.

The fight for efficiency in the operation of the state institutions was cut short by the Senate in this session. The House passed the law that would abolish the Board of Control, and the boards of directors of the penitentiary and reformatory, then appointed a new board to have control over all

institutions. It was recognized in most progressive states that such consolidation was more economical for the state, but the question here raised was whether or not the penitentiary required more attention. Apparently the Senate thought it did, for they did not act on the measure.

Another measure for added economy and increased revenue asked for by the Governor was passed. The legislature abolished the positions of five deputy state oil inspectors which were unnecessary to the operation of the department. Local inspectors were to take over their duties and the fees for this service were doubled.

An entirely new law, the code of civil procedure, was prepared by the Kansas Bar Association and passed by this session. This law set out in detail each step a lawyer was to take in bringing proceedings for his client, placing all such requirements in one compact piece of legislation.

The regulation of insurance companies was another problem to be solved in order to protect the people. The law passed by Kansas to regulate fire insurance companies was intended to result in large savings for the people of the state in insurance premiums since it included a rate review clause and an anti-discrimination clause. Actual operation of the measure showed this not to be the case in many instances and the people of the state were loud in their complaints of raising premiums.

The most important laws considered by this Legislature have shown themselves to be of a progressive nature. In the

nation-wide struggle of the individual against corrupt political organizations and self-seeking business enterprises, Kansas was accomplishing its individual share. Although many were disappointed in the accomplishments of this body when compared to the great promise shown in January, strong laws such as bank guaranty, trust receivers, prohibition, and freight rate regulation could not be discounted. Unfortunately the progressive measures advocated by the House were not those advocated by the Senate; neither body withheld all laws of a progressive nature, but the House, more than other such bodies in other sessions, stood its ground on several subjects.

The present house went on record as the most economical since the days of the grasshopper. In fact it carried economy to the verge of parsimony. It opposed new commissions, raises in salaries, additional clerks or deputies . . . it cut most of the appropriation bills down from last year . . . In its haste to keep down expenses the house stopped progress in many good things and crippled many departments.³⁹

On most issues the Senate seemed more attuned to the desires of the people than the House.

Progressivism or insurgency continued to gain adherents within the state as the years passed, while at the same time, the remnants of the political machine closed ranks. As the 1910 elections approached, it became increasingly important for each faction of the Republican party to make its bid for greater strength. Stubbs, as leader of the Progressives, not only had not completed his proposed legislative program, but was seeking additional strength in order to attain his goal

³⁹Topeka State Journal, March 8, 1909.

of a United States Senate seat in 1912. The machine members, known now as standpatters, encompassed the conservative wing of the party. They were, of course, fighting for victory in order to regain their control of the Legislature.

A strong contingency including A. C. Stich, a banker with Standard Oil; William E. Stanley, now with International Harvester; David Mulvane; Senator Charles Curtis; and Simeon Bear, with the Bell Telephone Company, backed the conservative candidate, Daniel Wagstaff, in the primaries.⁴⁰ The battle was bitterly fought on both sides; each side aware of the import of victory for their faction. Senator Curtis took this opportunity to denounce the Stubbs administration on two grounds; first, that state taxes had increased (probably the most common complaint against Stubbs and his reforms) and second, that it claimed credit for all the good things done.⁴¹ However, Stubbs and most Progressive candidates, continuing to run on a strictly reform platform, received the nomination of the people.

The 1910 Republican Platform endorsed President Taft only on the progressive portion of his program. For Kansas, the Republicans pledged again the state-wide public utilities commission. Pledges for political measures included the initiative, referendum and recall; the Oregon Plan for nominating United States Senators; a presidential preferential primary; and publicity for campaign contributions and disbursements.

⁴⁰Zornow, p. 217.

⁴¹Bright, p. 38.

Labor was promised a commission to frame a workingman's compensation law and a law defining employer's liability. Other pledges included increasing exemptions under the inheritance tax law; making the second offense of the prohibitory law a penitentiary offense; ratification of the federal income tax amendment; a measure to compel corporations to begin litigation in Kansas courts; and a uniform system of county and township records.⁴²

Stubbs' Democratic opponent in November was Senator Hodges, running on a platform in many ways similar to that of the Progressives. Some of their common pledges were: the initiative and referendum, the recall, the Oregon plan for electing United States Senators, labor legislation, ratification of the income tax amendment, public utilities legislation, publication of campaign contributions and disbursements before election, and the presidential preferential primary.⁴³

A "Kansas Democrat" says the battle was not between Stubbs a Republican and Hodges a Democrat (1910) but "It was a fight between right and wrong. It is a fight to beat Governor Stubbs because he has been right, and because as a national figure in the movement for the people his defeat would be a crushing blow to the progressive ideas."⁴⁴

Organization of the Legislature found Stubbs in a much weaker position than he had been previously. His winning margin

⁴²Kansas Republican Platform, August 30, 1910.

⁴³Kansas City Star, March 11, 1911.

⁴⁴George H. Callis, "A History of the Progressive Party in Kansas" (unpublished Master's dissertation, Graduate Division, Kansas State Teachers College, Pittsburg), p. 50.

in November had been appreciably smaller than in 1908. This gave those conservative Republicans elected an excuse to retract their pledges made in connection with the Stubbs platform. It was their obvious goal to completely discredit Governor Stubbs, when those standpatters in the Senate allied themselves with the Democratic members, thereby establishing the necessary majority to organize the committees of that body in their favor.

On January 17, the Emporia Gazette called for the complete redemption of all common platform pledges since they spoke the desires of the people. The Democrats were charged with the responsibility of seeing that the pledges were kept in full, with no compromises, for apparently, the plan was to report out of committee only those "half-way" measures approved by railroads and corporation lobbyists. Since Democrats had allied themselves with conservative Republicans who were known to be "naturally opposed to these things, it was up to them to see that their allies in the committee vote right." The article concluded:

But the voters should remember that the Democrats hold the balance of power. They have proved it. Now they can either line up with the friends of the governor for good measures or line up again to please the lobby for half way measures. It makes no difference what name a measure bears. But Kansas has a right to demand that every measure shall be sincere and honest without jokers . . .⁴⁵

Even the Democratic Fort Scott paper deemed the coalition between conservative Republicans and Democrats to be

⁴⁵Emporia Gazette, January 17, 1911.

"against progressiveness and for the special interests which are specially advocating all that the Democratic party professes to stand against in Kansas." They went on to bluntly state: "They could not vote for the Democratic kind of a reform bill and at the same time vote with the machine Republicans."⁴⁶ There was a great question in the minds of many as to whether any kind of reform legislation would be successful with this legislature, be it Republican or Democratic.

The limited strength of Governor Stubbs did not appear to subdue his enthusiasm for progressive measures. His message to the Legislature on January 10, 1911 showed little evidence of any alteration in his over all program.

The first topic with which he dealt was that of the schools of the state, particularly country schools, which were in great need of improvement. He then renewed the recommendation for the much publicized public utilities commission. He asked for changes in the trial laws that would reduce the delay of verdicts, such as a three-fourths jury verdict in civil cases, and refusal to grant new trials on the basis of errors in court that did not in actuality affect the essential rights of the parties involved.

He recommended a type of ouster law that would give the governor the power to force officials to carry out the laws of the state or lose their position. He recommended a constitutional amendment that would allow the state to derive its

⁴⁶Ibid., January 25, 1911.

entire revenue from state-wide public-service corporations, as had been done satisfactorily in fifteen other states. A project included in his campaign speeches, that of paying "wages" of prisoners in the state penitentiary to help maintain their families, was recommended. Amendment of the inheritance tax law and improvement of last sessions' good roads legislation were asked.

Stubbs' recommendations for the field of labor included the workingman's compensation law and employers' liability law, as well as suggested improvements in the safety features of mines and a branch of the school of mines to be located at some point near Pittsburg. The recommendation for a penitentiary sentence for the second and further violations of the prohibitory law was made; also recommendations for constitutional amendments for the recall, initiative and referendum. Also called for were primary elections for delegates to the national conventions. The Oregon Plan for the election of United States Senators by direct vote was requested immediately.

Governor Stubbs made suggestions for amendment of the bank guaranty law to enable those four hundred banks that had been accepted to compete in interest rates with national banks. Again he made the recommendation that campaign contributions and disbursements be publicized before any election.

Recommendations were made that county officials in counties with a population above thirty-five thousand be paid a salary by the county treasurer to whom should go all fees. And repeated was the suggestion that the position of county

assessor be abolished in counties with a population of less than thirty thousand instead of fifteen thousand as the previous legislature had enacted.

Stubbs again asked for a two-cent passenger fare for the state and for the anti-pass law to be re-written to exclude all but employees and their families from the free list.

The Governor suggested that the Secretary of Agriculture be made state commissioner of immigration with the purpose of attracting new settlers to the state. And he asked, for the sake of efficiency and economy, that all reports of state officers be consolidated into one volume; that Kansas corporations be compelled to begin all litigation in Kansas courts; and again spoke of the consolidation of the boards of the state institutions wherever reasonable.

Stubbs asked for a bill, lost to the last legislature, that required railroads to file under oath itemized statements of property. Included also was the recommendation for ratification of the Federal income tax amendment.

Stubbs gave his attention to possible improvements that could be made in the care of the insane toward the goal of returning as many as possible to a fruitful life. And he noted improvement in the fish and game department, but asked for an investigation into the possibilities and added potential that future work in this field would bring the state. Adequate appropriations for educational institutions were requested, plus the suggestion that perhaps one board governing all

educational institutions of higher learning in the state take the place of the various boards of regents.⁴⁷

The results of the work of this session did not become evident until near the closing date when progressive members of both parties finally began to co-operate. Then the legislative wheels started to turn and several pieces of good legislation were enacted.

After nearly four years of publicity and agitation, the last days of the session found both houses coming to an agreement on terms for a public utilities commission for the state. The final product was accepted almost unanimously, the feeling not being that the bill was close to perfect, but that it was as good a bill as could be procured under present conditions. The state-wide commission idea had been accepted and the number of members set at three, to be appointed by the governor. However, the home rule contention was again heard; this time in terms of allowing local councils to control local utilities with the commission to have no local authority. The final bill called for the commission to control only state-wide public utilities; local councils to control local or county companies. But any citizen could appeal to the state commission, in which case the commission would then have the power to take control of that utility to correct any abuses.

⁴⁷House Journal; Seventeenth Biennial Session, Topeka, January 10 to March 12, 1911. (Topeka: State Printing Office, 1911), pp. 34-49.

The point upon which this bill was almost lost was that feature on controlling the issue of stocks and bonds. The original Senate bill gave the commission absolute power to grant or withhold permission to issue stocks and bonds, this being intended as an effectual bar against stock watering. The House bill did not contain such a provision and the House would not agree to this regulation. ⁴⁸ The Senate would not concur with the conference committee report that such permission would be "forthwith" granted upon a proper showing to the commission of a need for such an issue. This "joker" in the utilities bill did not place enough restrictions upon what the "proper showing" would be. Therefore, the State might possibly become a partner in the watered stock business, since it would be forced to grant permission in what could perhaps be fringe areas of investment. Buyers would consider such stock a good investment, with state authorization, and rates would necessarily be kept high enough to pay interest on an investment that was sanctioned by the state.

For three days the result was in doubt; it was presumably a dead issue. Governor Stubbs would definitely call a special session to fulfill this campaign promise in full, rather than capitulate to the demands of the House on the stocks issue. But a new conference committee was named with

⁴⁸ Topeka Capital, March 5, 1911.

results that were acceptable to both houses as "a redemption in good faith of the political pledges made last fall."⁴⁹

The public utilities commission consisted of three members, appointed by the governor, not more than two belonging to the same political party. Stocks and bonds could be issued when necessary for certain purposes after the commission had investigated to ascertain the truth of the statements in an application for increased issuances.⁵⁰ It had the power to regulate rates and could initiate proceedings to compel such readjustments as were deemed necessary. Rates could be set on the basis of a true physical valuation of the properties of the companies. Re-enacted were all present railroad laws with some additional provisions. Included in the jurisdiction of the commission, besides railroads, were all telephone, telegraph, street railway, express and sleeping car companies.⁵¹

The main complaint upon final passage was the deletion of a clause forcing local and independent telephone companies to connect their lines. This was important to many of the smaller communities and companies; but optimism was expressed that such deficiencies would be corrected by future legislatures if necessary.

⁴⁹Ibid., March 10, 1911.

⁵⁰Ibid., March 8, 1911.

⁵¹Kansas City Star, March 8, 1911.

Education was a topic on which most of the legislators were able to agree and the obtained results were an excellent beginning on which to build this heretofore much neglected area. Laws were passed to insure each student an opportunity for an adequate high school education in that consolidation of rural schools was made easier, a simple majority vote being all that was required for such a change. The district boards were enabled to supply free transportation for those students living more than two miles from the school. Free tuition was made available to all pupils in counties having a population of less than ten thousand so that such students might attend larger schools in cities. Authorization was given for the establishment of township high schools in rural communities.⁵²

To improve the quality of education received, the minimum length of the school term was raised from five to seven months and a \$75,000 per year appropriation was made to aid weak school districts that could not independently support such an expanded term. Qualifications for teachers also became more rigid with improving conditions. Certification was placed in the hands of the state board of education, where certain state educational institutions had previously made the standards. Gradually increasing amounts of high school education were to be necessary as a qualification in securing the first certificate. In 1913, the requirement of one year of high school education was to go into effect; for a first grade

⁵²Ibid., March 12, 1911 and March 21, 1911.

certificate, a high school education was required. Normal training courses in high schools were to be expanded to help supply these better trained teachers. Forty more schools were to be paid five hundred dollars each for including these courses in their curriculum, plus an additional two hundred and fifty dollars each if they provided courses in agriculture and domestic science.

The appropriations for the institutions of higher learning were approved without the usual amount of wrangling; as well as additional appropriations for new buildings for the State Agricultural College and the Pittsburg Manual Training branch of the State Normal School, plus another wing of the administration building at the state university. Also, approval was given for a State School of Mines and Metallurgy to be located at Weir City, under the supervision of the university, and \$25,000 was appropriated for its first two years.⁵³

Teachers were able to acquire permission for the establishment of a pension fund. It was entirely optional with the board of education and only permitted in cities of the first class. The plan would apply to teachers with thirty years experience in the state, the last fifteen in that city, and was not mandatory for any teacher. The legislators from

⁵³Ibid., March 8, 1911.

districts containing cities of the first class were vigorously opposed to such an "expensive" measure.⁵⁴

The most publicized of the bills dealing with education was the bill to abolish the boards of regents of the main colleges and university and in their place to form a three member board of administration with jurisdiction over the business management of all these schools. This was an administration measure, first killed in the Senate; later it was introduced in the House by Representative Keene and this measure surprisingly passed the Senate. The House measure included also the Olathe school for the deaf and the Kansas City school for the blind as educational rather than charitable institutions. The Kansas City Star editorially backed this measure saying it would take schools out of politics and away from conflicting interests in the legislature. The board would ask for appropriations on a business basis and no legislator would want to play politics with claims made by a board which had investigated the needs and represented those needs fairly in the appeal for funds.⁵⁵

The governor had recommended this kind of measure in an effort to increase the efficiency of the schools and perhaps their size and effectiveness. However, before signing the bill, Governor Stubbs sent telegrams to many leading educators in the country to ask their opinion of the Kansas measure. He did not receive one unqualified affirmative response. Like the

⁵⁴Topeka Capital, March 1, 1911.

⁵⁵Kansas City Star, March 3, 1911; March 6, 1911; and March 8, 1911.

governor, several mentioned approval of the principle, but felt generally that the salary provided would not appeal to men who could best carry out the necessary provisions, and that perhaps the board should include more men, as this plan had too much power concentrated in the hands of too few. Also there was the point that the academic decisions should be left to the institution itself. The bill had specified that the new board would elect the executive heads and treasurers, appoint professors and all employees, and fix their compensation. They would have made the rules and regulations for the advancement of personnel, as well as rules and regulations for the government and administration of the schools.⁵⁶ On the above grounds, the governor vetoed the board of administration bill, but appointed two separate commissions to study the question in order to recommend to the next legislature a plan that would effectively carry out this principle for good business operation of state schools.

Most political pledges made in the 1910 campaign did not carry the strength of conviction through to the Legislature. Initiative and referendum resolutions were introduced in both houses. Actually the house introduced two; the first was passed and killed by the Senate; so it was tried a second time. The majority in the House was one hundred seven for to ten against; in the Senate the vote was twenty-four for to fifteen against, but this was not the two-thirds required for

⁵⁶Topeka Capital, March 8, 1911.

a constitutional amendment. The Wichita Eagle commented that this defeat was a direct blow at Governor Stubbs who had been advocating such legislation throughout his political career.⁵⁷ In retrospect the Emporia Gazette stated that since this was the first test of the initiative and referendum in the Senate, "the vote shows a hopeful status of the question." The Gazette compared this with the utility bill of the 1909 session, noted the successful passage in 1911 of a "drastic" measure that would not have previously received ten votes in the Senate, and looked hopefully to the passage of the initiative and referendum, with a similar kind of momentum, in 1913. ". . . Kansas is a state that responds intelligently to agitation, if the cause is just."⁵⁸

The companion measure, recall, was even less successful, though it too was pledged by both parties in 1910. The resolution passed the House by a ninety-six to twenty-two vote, to be defeated by the Senate, as was a similar resolution originating there.

Although the defeat of initiative, referendum and recall was blamed on personal hostility toward Governor Stubbs, there were also other reasons for their failure. There were six measures offered in 1911 that required amendment to the state constitution, while the maximum that could be submitted

⁵⁷Alberta Doyle, "The Progressive Movement in the Republican Party in Kansas; 1902-1917" (unpublished Master's dissertation, Department of History and the Graduate School, University of Kansas, 1932), p. 96.

⁵⁸Emporia Gazette, March 11, 1911.

to the people at any one election was three. The split Republican party was not able to agree on which three amendments they wanted to support. Then there was genuine confusion on the part of some people as to the actual advisability of direct legislation. Were the people able to adequately inform themselves in order to make wise choices? Or, as Representative C. F. Scott was quoted in a speech to the United States House of Representatives, was the demand for such legislative privileges for the people "a declaration in effect that the representative government is a failure."⁵⁹

On the other hand, the newspapers in general pointed to the 1911 Kansas Legislature as an example, for the most part, of a legislature engulfed in self-interest, forgetting the interests of the people, and holding tenaciously to their place in the legislative system. The March 9 Kansas City Star stated:

Kansas will not be able to secure a responsible legislative scheme or a responsible legislature until it amends its constitution. The experience Kansas has had with the present Legislature indicates that the people will have a hard time in securing a chance to vote on such an amendment. Where a few standpat senators have the nerve to violate a party pledge and deny the people a chance to vote for the right to initiate laws for the legislature to pass, it is certain that the same kind of statesmen would not be in a hurry to give the people a chance to the legislature itself. . . . (The people) know that the politicians will never permit them to have the kind of legislature that would be legally bound to do what the people commanded it to do, if they can prevent it.⁶⁰

⁵⁹Topeka Capital, March 4, 1911.

⁶⁰Kansas City Star, March 9, 1911.

In his message to the legislature, Governor Stubbs had asked for provisions whereby recalcitrant public officials might be removed from office. The legislature passed such a law, the Brewster Ouster law, which was meant to facilitate the removal of public officers by ouster proceedings in the courts. William Allen White called it an excellent law. He pointed out that it differed entirely in principle from the recall, hence could not take its place; said that it was needed as a safety valve to insure that some officers could be reached by this kind of action, if the conduct of their office was not in line with the law of the state. However, White had to admit that perhaps in some cases legislators felt that their vote for the ouster bill excused their vote against recall.⁶¹ White denied this line of thought, but the Kansas City Star intimated that an ouster law was not needed nor wanted by the people and that this was "merely another of the 'lame duck' measures to be offered Kansans in place of the strong, effective laws that were promised."⁶²

Following a national trend and redeeming a pledge of both the Republican and Democratic parties, this legislature passed the Oregon Plan for the direct election of United States Senators. According to the Federal Constitution, this was as close as the people could come to voting directly for their choice for Senator, since the Constitution provided

⁶¹Emporia Gazette, March 4, 1911.

⁶²Kansas City Star, March 2, 1911.

for senators to be elected by the state legislatures. Previously candidates had been sent before the legislature by party nominating conventions, but with the passage of the primary law came much agitation, not only for the inclusion of senatorial candidates on the primary ballot, but for some form of assurance that the choice of the people in the primary would be binding. Under the new law the people would nominate their candidate in the primary as the present law stated; but the names of the nominees for each party would then appear on the November ballot for a sort of second nomination (since only the legislature could elect the senator). Each candidate for the state legislature had the option of signing or not signing a declaration that he would be bound by the vote of his constituents. These provisions gave the people knowledge of which candidate received the majority vote from the people and how their representatives voted.

However, the voice of the people was soon to carry more weight, for from Washington came a request to Governor Stubbs that the Legislature pass a resolution requesting the Senators from Kansas to support proceedings then before Congress for an amendment to the United States Constitution permitting popular election of United States Senators. Both Kansas houses passed the resolution asking all Senators and Congressmen to "vote and labor" for the passage of this measure.⁶³

⁶³Letter of Walter Roscoe Stubbs to Jonathan Bourne, Jr., February 9, 1911, in Walter Roscoe Stubbs Papers (Kansas State Historical Society, Topeka, Kansas).

This, the Seventeenth Amendment, passed both houses of Congress in 1912, and by that time the senators from twenty-nine states were elected directly by the people, as far as possible, under the Oregon Plan type of law.⁶⁴

The Democratic members of the Legislature had pledged the Massachusetts Ballot as an amendment to the primary law. This measure, while gaining strength during the 1909 session, did not have the same strong advocacy in 1911 and mention of it did not last beyond the first weeks of the session. Newspaper comment was not in evidence; failure of the bill was not recalled among the many other omissions of this legislative body.

Both parties had made pledges concerning corrupt practices laws. It was important to the people, apparently, that publicity be given to contributions to and disbursements of political parties as a means of controlling the influence of money in political campaigns. But the two parties were so far apart in their approach to this problem that there was no hope for compromise and this political measure also fell in 1911. For the protection of politicians, however, a law was passed prohibiting the use of anonymous material of a political advertising nature that might prove detrimental to any candidate for public office.

⁶⁴Harvey Wish, Contemporary America (ed. rev.; New York Harper and Brothers, 1955), p. 139.

The presidential preferential primary was pledged in the Republican party platform, recommended by the governor in his message to the Legislature, and advocated for Kansas by Senator Bristow from Washington.⁶⁵ The bill was introduced in the house by Robert Stone of Shawnee County and defeated there by a coalition of Democrats and standpat Republicans. The Topeka Capital, spoke out against the "pro-corporation conservatives" saying:

The question in the Stone bill is the same as in other issues that have divided the Legislature irrespective of party lines - whether the average citizen is qualified for self government. The question in this particular case is whether it is 'safe' to permit the people in primaries to choose the delegates to a national convention, . . . or whether the Congressmen and Senators and party 'leaders' should have the choosing of delegates. . . . The objections to the Stone bill are identical with the old objections to the State-wide primary. It is the same thing a little more widely extended. . . . because of no faith in the judgment of the people in their political affairs."⁶⁶

The correspondence of the governor showed that it was the loss of this issue that caused many citizens to request a special session of the Legislature in 1911 to enact the preferential primary law. This was not done and with the losses in 1912 in the Progressive ranks in Kansas, the law was never passed.

Also, usually considered a political measure, was the question of woman suffrage. The resolution to submit to the men of the state in 1912 a constitutional amendment giving

⁶⁵Letter of Joseph Bristow to David Leahy, September 8, 1911, in Walter Roscoe Stubbs Papers.

⁶⁶Topeka Capital, March 4, 1911.

women the right to vote was passed early in the session. This suffrage was limited to voting on state and congressional officers. For women to vote on presidential candidates, it was necessary for the legislature to pass a law to that effect, which it was unable to do.⁶⁷ The acceptance of the amendment in 1912 made Kansas the sixth state in the union to give women equal participation in governmental affairs.⁶⁸

Letters received by Governor Stubbs in November of 1910 from Sim A. Bramlette, president of the Kansas State Federation of Labor, opened discussion of the desires of labor for the coming session. He stated that:

compensation for industrial accidents is being pretty generally accepted as a better solution to the problem than would be the enactment of a liability law, by reason of the litigation that would be avoided in operating such law.⁶⁹

Employers' liability, as well as a commission to investigate the possibilities for a workingman's compensation law had been promised in the two party platforms; and the governor had recommended actual passage of the compensation law. Bramlette named such states as New York, Maine, Wisconsin, Illinois, Ohio and New Jersey as having already appointed commissions; and Missouri as about to do so. Kansas was being pressed to do likewise in order for the commissions to work together to

⁶⁷Ibid., March 3, 1911; Kansas City Star, March 3, 1911.

⁶⁸Emporia Gazette, February 9, 1911.

⁶⁹Letter of Sim A. Bramlette to Walter Roscoe Stubbs, October 11, 1910, in Walter Roscoe Stubbs Papers.

acquire uniformity in the legislation on this subject among the different states.

The legislature in this case seemed more than willing to carry out its pledge, for the Joint Committee on Labor was able to submit on February 15, a bill to provide automatic compensation for working men. By March 3, the Senate had passed the committee bill which was to apply to all employers whose shops employed more than five men. Technically it was to be optional as to whether provisions would be accepted by either employers or employees, but the terms made it almost mandatory that both accept. The senate added a nine-member observatory commission to report to the succeeding legislature on what changes would make the bill more effective.

The House cut out the commission and increased the smallest number of employees to be covered to fifteen. In conference, agricultural workers were exempted from the protection offered and all shops employing less than ten employees. The Senate was willing to accept these new terms, but the House voted to non-concur, standing by the minimum of fifteen employees in shops to be covered. After the third conference, the Senate agreed to the terms of the House, many apologizing for the weakened measure. The bill was considered to be anyway an "entering wedge, establishing workmen's compensation in Kansas."⁷⁰

⁷⁰Topeka Capital, March 11, 1911.

The disappointment among supporters of this legislation was great.

"The factories in Kansas are small and a large percentage of the laboring men of the state are employed in small factories, shops, mines, etc.," said W. L. A. Johnson, state commissioner. "For employees of the factories that are too small to come under the provisions of the act there is only the protection of the common law, there having been no general liability law passed."⁷¹

Labor, of course, was not entirely satisfied with the result; but also accepted it as a beginning.

The passage of this bill made Kansas the second state in the nation to provide automatic workmen's compensation. New York had such a law in operation, but it was not considered satisfactory. The Kansas measure, even in its final form, was said to be more liberal to workmen.

The employers' liability had been discarded in favor of the compensation bill, but a law was passed that applied the Federal Employer's Liability Law to Kansas railroads and mines, giving men working in these operations more protection.

Another area in which reforms in the interest of the people had been promised was the field of taxation. The ratification of the Federal Income Tax Amendment to the United States Constitution was promised in the platforms of both major political parties. This resolution was passed early in the session.

Changes were also promised in the unsatisfactory inheritance tax law which had passed the previous session. The

⁷¹Ibid., March 7, 1911.

Democratic pledge was for repeal of the law; while Republicans pledged to amend it to give direct heirs greater exemptions. As work on the bill began, the results became questionable for the House measure exempted the surviving husband or wife fifty thousand dollars, and children twenty thousand dollars each, even though recommendations were made for a twenty-five thousand dollar exemption for husband or wife and a ten thousand dollar exemption for each child. The Senate heard the above conditions, then amended the bill to exempt entirely all direct heirs.⁷² The House concurred in these amendments, showing that many of the legislators were against an inheritance tax of any form, but would vote for the weakened form rather than leave the old law on the books.⁷³

Although these new terms sounded most benevolent, obvious inequities remained. Members of the tax commission pointed out that, generally speaking, small estates had paid the previous higher rate, while larger estates had awaited the outcome of this revision before paying any tax. Under these conditions, those who could least afford to pay had already paid, while those more able would be exempt from paying under the new law. In a message to the legislature Governor Stubbs intimated a veto on the new legislation unless appropriations were passed through both houses that would repay taxes already taken in, that would not have been

⁷²Ibid., March 1, 1911.

⁷³Ibid., March 5, 1911.

paid had the new law been the original law. A threat of an extra session should this not be done was reported by the newspapers.⁷⁴ The Senate started work on such an appropriation bill, which would amount to around eighty-five thousand dollars, but there was not enough time for this to go through both houses.

This bill was ultimately vetoed by the governor and the original remained. He was quoted as saying

"... during the coming two years no small estate will be compelled through me, to pay its inheritance tax. However, all of the power vested in my office will be used to compel the big estates to pay their taxes."⁷⁵

A mortgage registration fee bill was passed by the 1911 legislature, very similar to that passed and vetoed in 1909. Governor Stubbs vetoed the 1911 measure also and, although an attempt was made, the bill was not strong enough to pass over the governor's veto.

Other tax measures were considered, and to a large extent were successful. A change in the meeting dates for the boards of review would hopefully help to settle personal real estate assessment questions in a better manner. Real estate was to be classified and assessed as to its different characteristics. Also by a new law, districts for assessment could be subdivided and deputy assessors appointed in order to complete

⁷⁴Kansas City Star, March 10, 1911.

⁷⁵Topeka Capital, March 15, 1911.

the job in a given area in the allotted time. The Topeka

Capital gave this evaluation:

Several important changes were made in the old laws which, in the opinion of the State Tax Commission, will greatly improve the administration of the general property tax law in vogue in Kansas. They will also do much toward enabling a nearer approach to an equal distribution of the tax burden.⁷⁶

The old law requiring uniform assessment on all kinds and classes of property was retained despite the charge that it was antiquated and caused the loss of about three quarters of a million tax dollars per year in the realm of concealed personal property. Under the above uniform clause, all property had to be assessed in the same manner as real estate. Many felt a change in this law could considerably increase the tax revenue of the state by allowing personal property to be assessed at a lower rate so the people would not resort to concealing it.⁷⁷

A very promising measure, a platform plank of the Republicans and Democrats, was passed to provide for uniform books of account for all county, city, township, school and road districts, and state offices. A commission was to select the systems and put them into effect. This was another of the measures that placed state functions on a business basis and, it was hoped, would result in a substantial savings of tax dollars.

⁷⁶Ibid., March 15, 1911.

⁷⁷Ibid., March 5, 1911.

One of the most admirable measures passed fulfilled a Democratic Party platform pledge, but already had become a special project of State Bank Commissioner Dolley. This required all companies wishing to sell stocks or bonds in Kansas to file a prospectus with the bank commissioner, and if the prospectus was found valid, to receive from the bank commissioner a certificate of authority showing the reliability of the company. No company without such a certificate could legally advertise or promote or sell stocks or bonds; and those with no certificate would be the concerns thought to have no value behind them.

Over a year before, Commissioner Dolley had recognized the great loss to the people of the state that this kind of transaction represented. He estimated the graft in Kansas alone to be not less than three million dollars a year, a sum equivalent to the total cost of the State government. The federal government had not been able to keep up or cope "with this evil whose growth in the last few years had been so vast as to stagger" the authorities.⁷⁸ Dolley took the matter into the jurisdiction of the office of the bank commissioner, had them investigate the different companies offering stock for sale in Kansas, and publicized the availability of this information to the people. This he did without authorization.

⁷⁸Ibid., March 6, 1911.

The "Blue Sky" law of 1911 gave the department certification authority and allowed them to charge a fee of two and one half dollars for each company considered. The extra expense of carrying out the process of passing on the validity of these companies was to be paid from the fees turned in by investment companies. A companion piece to this law gave the bank commissioner complete supervision of building and loan companies and set the rules for their conduct.

Since speculative promotions, some valid and others completely fictitious, were increasing rapidly throughout the country, and the money came from the savings of all classes of people, education on the subject of choosing investments wisely was found in many publications. Kansas was the first state to legislate against the selling of "fake stock" and it was fervently hoped that this legislation would entirely do away with wildcat concerns in the state. On July 24, 1912 the national convention of insurance commissioners met in Spokane, Washington, and decided to present to the legislatures of each state a blue sky law based on that originated in Kansas.⁷⁹

The bank commissioner was also given authority to fix the maximum rate to be paid on time deposits in banks. Commissioner Dolley fixed the rate at three per cent, to apply to both those banks which were under guaranty and those which were not. In this way competition between the two groups was

⁷⁹Jennie Small Owen (annalist), Kirke Mechem (ed.), The Annals of Kansas 1886 - 1925 (Topeka, Kansas: Kansas State Historical Society, 1954), II, p. 47.

reduced. The Emporia Gazette of March 18, 1911, showed this standing of the guaranty:

There are now four hundred nine state banks coming under the provisions of the state guaranty law and sixteen more applications are pending. There are about nine hundred state banks in Kansas. There is in the state treasury, comprising the guaranty fund a total of \$727,500. The law is now in operation, following the recent supreme court decision and State Bank Commissioner Dolley says it will be only a short time until most of the state banks will be participating in the fund.⁸⁰

Other campaign promises were not at all successful with the exception of prohibition violation penalties. A bill was passed whereby any person violating the Prohibitory Law more than twice became a "persistent violator" and was to be sentenced to a term of not more than one year in prison. The penalty was not retroactive, so those with previous convictions for selling liquor were not subject to the sentence. It might also be mentioned that the absolute prohibition of 1909 was somewhat enervated when permission was granted by the 1911 Legislature for druggists again to sell alcohol for certain purposes.

One of the major requests made by the governor in his message to the Legislature was for special attention to laws supporting good roads for the state and improvements in the actions taken by the last Legislature. There was some measure of success for bills of this nature. A general good roads bill was passed which repealed all antiquated laws, re-enacted their essential provisions where necessary, and codified them. In

⁸⁰Emporia Gazette, March 18, 1911.

addition, the drag law was made compulsory and its violation a misdemeanor, punishable by a fine of twenty-five dollars. This was expected to perhaps cause some criticism, but was added to insure that the work would be done. Road taxes were to be made in cash, and township road levies were increased. Provisions for funds for building bridges in the various districts were made. Concrete was to be used in these bridges, rather than "tin".

These were excellent gains, endorsed strongly by the advocates of good roads. However, the Avery bill, called one of the best measures of the session, which passed the Senate, and might have passed the House had there been more time, was defeated. This measure would have required a registration fee for automobiles, the proceeds to be used for roads and to establish a state highway department. The state highway engineer, head of the department, would receive a reasonable salary, employ assistants, and would have authority to pass judgment on plans for road improvements and bridges in the state. As evaluated by the Kansas City Star:

All this signifies a marked advance in public sentiment in Kansas regarding modern roads. Four years ago Senator Hodges had the greatest difficulty in securing so much as a hearing for the progressive road laws. Two years ago he succeeded in getting them before the legislature, but, with the exception of his own rock road measures which made road building optional with a majority of the farmers, they were all defeated in the final votes.

With public sentiment pushing the cheap politicians out of the way of effective measures for road building Kansas may felicitate itself upon the prospect of the actual realization of good roads.⁸¹

⁸¹Kansas City Star, March 3, 1911.

Drainage laws for the state were given the same type of complete revision, were codified and improved. Of the new laws enacted, most applied to the Wyandotte county area, giving Kansas City, Kansas, the opportunity to maintain its streets and rivers in a manner befitting a city. Also appropriations were made to aid in the improvement of irrigation possibilities in the state.

Measures to improve general health in the state were successful, and the Legislature was most generous in appropriations for new hospitals. Fifty thousand dollars was designated to be used for the construction and administration of a sanitarium for tuberculosis cases. Location and type of buildings were to be set by a commission appointed by the governor. It was thought that this bill was so readily accepted by the Legislature because of the efficient educational campaign that the State Board of Health had been conducting for the past two years on that subject.

The Legislature also found that they were able to cut one hundred thousand dollars from the appropriations for other state institutions and to designate this amount for a new hospital for the insane, to be located in the western part of the state.

Another hospital, for treating the criminally insane, was formed to be established in conjunction with the state penitentiary at Lansing. Provisions were made for the university medical facilities to be used in treating public charges who might become healthy or be made whole by hospital care.

One of the more important bills passed that followed the wishes of the Stubbs' administration was that consolidating the state penitentiary and the Hutchinson state reformatory under one board of control. The new board was to consist of three members appointed by the governor.

This generous Legislature also voted to increase the salaries of the superintendents of six of the state institutions. However, the governor, complaining of the increasing amount of appropriations, did not grant this measure his approval.

Also of importance in maintaining the health and welfare of the state was the passage of the vital statistics bill. At the preceding session, a similar bill had been killed in the House after passing the Senate and Board of Health forces had been working during the ensuing two years to build support for it. This bill provided for a life history of statistics to be kept on each citizen including the dates of his birth, wedding, death and cause of death. The keeping of such vital statistics was becoming more important as the society became more regimented and more controls were accumulating on it.

The governor's request for an immigration bureau failed in attempts for passage and private associations, such as the real estate dealers, were volunteering to take up this work independently; when the Legislature passed a measure that would take over this responsibility and fulfill other promises that progressives had been making. A Kansas State

Conservation Commission was established to exploit the resources of the state in other areas, especially for the purpose of interesting people in choosing Kansas for a home. The commission was to consist of three members from each congressional district of the state to be appointed at first by the governor; thereafter, any vacancies would be filled by the commission. They were to raise their own funds, but printing for advertising the state would be done by the state office.

Conservation was carried out also in the complete revision of the fish and game laws of the state. The department was taken out of political control with the appointment of a fish and game warden with a salary of two thousand dollars a year, the first being L. L. Dyche, who sponsored the bill. The board of regents of the University of Kansas was to direct this department. They were to oversee the protection and propagation of fish and game, the development of fish and game preserves and of lakes and ponds for impounding, preserving and utilizing surplus water.⁸² This kind of law was somewhat essential since the 1909 session of the Legislature had failed to appropriate funds for the maintenance of the department. Governor Stubbs' contingent fund had supplied the funds necessary for the operation of the department the past two years.

Also provided in this bill was permission for a state fish hatchery to be built at Pratt. In his farewell address,

⁸²Topeka Capital, March 12, 1911.

Governor Stubbs said of the department:

". . . (It) has been placed upon a basis that in future years the streams, lakes, and ponds of Kansas can be fully stocked with a variety of fish suitable to every kind of water. The largest, most practical and most scientific fish hatchery in the world has been constructed at Pratt, Kansas, and has been paid for without one dollar of expense to the taxpayers of the state. Warden Dyche estimates that Kansas waters, well stocked with fish, will eventually produce from five to ten million dollars worth of fish for food each year. . . . The fish hatchery has been founded upon the broadest principles and with the idea of the development and conservation of water, which will give the state a great system of lakes, reservoirs, and ponds which in themselves will be of inestimable value, and at the same time will produce such a quantity of fish as will make it possible for fish to become a common article of food for Kansas people."⁸³

Appropriations were made for the State Agricultural College to co-operate with the federal government in irrigation projects in Western Kansas and also to make a soil survey of the state. They were, in addition, to investigate the methods used by farmers in growing corn, wheat, and other agricultural seeds and to encourage the adoption of improved methods. Thirty thousand dollars was appropriated for this purpose.

A great scandal had taken place in the state grain department; several employees being found guilty of stealing nine thousand four hundred dollars. These persons had been prosecuted and the department reorganized. Laws were passed changing the grain inspection fees, calculated to equalize the rates and make the grain inspection department self-sustaining.

⁸³Ibid., January 14, 1913.

Other laws passed by the Legislature included one permitting the use of voting machines in cities, which was vetoed by the governor; one concerning railroad shipments in which a shipper could recover for goods lost from the original line receiving the shipment, that line to recover from the line losing the goods; and one permitting a judge having competent jurisdiction to send a girl sentenced to prison to the Beloit Industrial School rather than to a county jail.

With these results the seventeenth biennial session of the Kansas Legislature adjourned. The members had seemed to be in a constant struggle against the recommendations of the governor; and the governor had kept his recommendations constantly before the Legislature by means of numerous messages. The Topeka Capital gave them a qualified vote of approval, saying:

In spite of factional wrangling in the Senate and of personal hostility to the administration, as well as lack of leadership and organization in the House, the session of the Legislature just closed got through an amount of constructive and progressive legislation that ranks it up with the best sessions of the last ten years.⁸⁴

However the same issue stated:

Aside from political reforms, it is the House that is responsible for the failure of good legislation at this session of Legislature. It wobbled on all subjects, constantly changed its mind, went forward, backed up, reconsidered, and nobody could tell from one vote what the House would finally do on any bill.⁸⁵

⁸⁴Ibid., March 12, 1911.

⁸⁵Ibid., March 12, 1911.

This session was criticized by the governor as being extravagant,⁸⁶ and the resultant budget was above that of previous years. Not only were regular appropriations increased, but there were many additional appropriations made for new projects. The Kansas City Star said:

For two years the reactionaries and corporation claqueurs have been making a fight on Governor Stubbs and the progressive party behind him because of "increased taxation." Now that they have the power to reduce the appropriations they have made a most signal failure. The budget is larger than the one of two years ago, and the appropriations have not been increased for the benefit of any of the institutions Kansas is vitally interested in having built up. . . . A reactionary legislature has proved to be the most expensive investment Kansas ever made.⁸⁷

One must consider, however, that no matter how strong the opposition was to Governor Stubbs' measures, respect of his business administration was evident. Many measures, that could have been otherwise written, provided for governor appointed commissions, etc. and each appointment made by the governor was immediately confirmed by the Legislature. The Stubbs business propositions were well accepted, even though his political measures were rejected.⁸⁸

Improved business administration and humane treatment helped create better conditions at the State Penitentiary of which Governor Stubbs was most proud. Conditions had been wretched, with many inmates contracting tuberculosis or becoming insane during their terms. This was not surprising for

⁸⁶Kansas City Star, March 5, 1911.

⁸⁷Ibid., March 6, 1911.

⁸⁸Topeka Capital, March 11, 1911.

the prison was run, not primarily to detain criminals, but as a center of political patronage with which to control state politics. Governor Stubbs impressed into service as warden a Topeka lawyer, J. D. Coddington, who as an employee of the state, not a politician, brought about great changes for the better.

As conditions improved and business management became apparent, the efficiency of prison sponsored business increased. The state was making money through prisoners working in the brick plant, coal mine and twine plant; when before, they had just barely been maintained. They were saving money, as well as improving the prison diet, with the dairy herd and truck garden crops. The profit was estimated to be about one hundred thousand dollars a year. It was this money that Governor Stubbs had proposed to divide among the wives and families of the inmates in amounts corresponding to that share the inmate might have earned in wages aside from being a ward of the state. This recommendation was not reported out of the committee and was treated as another expensive progressive measure; but allowing men to live under decent conditions could only be classified as humane. So also, this previously non-existent profit from prison businesses due to conditions that allowed men the health to do a days work for the state while in its custody, could have been used humanely to aid those most adversely affected by the crimes of the men in prison.

Throughout his two terms as governor, Stubbs continued to champion the cause of the people in general. Bright summarizes his term as governor:

As a driving executive and effective administrator, Stubbs is credited with being more than moderately successful. He rates probably among the "upper third" of the thirty-three Kansas governors. By applying business techniques to state government and by bringing some of the democratic processes up-to-date, he earned his progressive rating.⁸⁹

These two terms of Governor Stubbs represented the peak of Progressivism in Kansas. Under his leadership, Kansas gained a national reputation as being a state that greatly admired and followed the principles of Theodore Roosevelt. However, the laws that were passed indicated the ability of Kansans to step out on their own to provide protection for the individual citizen. Their bank guaranty, public utilities, workmen's compensation, "blue sky", and public health measures were examples of progressivism that placed the state above the average.

Stubbs accomplished this primarily through his administrative ability. In order to achieve his position of leadership, he had to organize; and it was an anti-political-machine machine that was organized and included the active progressive leaders of the state. Their accomplishments have been stated; efficiency was increased, governmental supervision spread into new areas, taxes were increased, people were more interested and more informed of the workings of the government because

⁸⁹Bright (ed.), II, 35.

Stubbs had included them in his fight and his stated goals were to be for their benefit. He wanted the people to control the state government; but the political measures that would, in his opinion, bring this about were not passed by the Legislature.

It was his stated Progressive principles that carried Stubbs to power and acceptance. It was the adherence to these principles that made his failure inevitable. Theodore Roosevelt was his leader and Stubbs worked as hard to make Roosevelt president in 1912 as he did for his own senatorial campaign. He was included as one of the seven Republican governors to take part in the "governors call" that supposedly induced Roosevelt to declare his candidacy. However, Roosevelt's split with the Republican party was definitely carried to Kansas. Although Stubbs followed Roosevelt, the third party was not a serious contender. in kansas it was a coalition between Democrats and conservative Republicans against Progressive Republicans. The cause was lost; but the spirit remained for another session.

Much remained in the Session Laws of the state to recall the Progressive era. Although many today consider a portion of the radicalism of this legislation ludicrous in comparison to the stated goals of the movement, this shows an attempt to right the wrongs of civilization. The fight was sincere. Governor Stubbs was stopped short of his entire program for the state, but left Kansas in a better position

to meet the future challenge of even greater corporate wealth and social injustices.

CHAPTER IV

THE MISSOURI IDEA

Serving a four year term from 1909-1913 as Governor of Missouri, was another Kansan. Herbert Spencer Hadley was born in Olathe, Kansas, February 20, 1872, educated in the Olathe public schools and took his Bachelor of Arts degree from the University of Kansas. He was considered in 1909 the Progressive leader of Missouri Republicans. However, in comparing Herbert Hadley with W. R. Stubbs, one found two entirely different types of men. Stubbs had come from a rather poor family, had not completed his education, but worked his way to success through rough construction operations. Upon entering politics, he lacked polish, poise, and diplomacy, tending to display the roughness of his background. Herbert Hadley, on the other hand, was described as polished, diplomatic, considerate, kind, sympathetic, popular and successful.¹

Hadley had a genius for friendship and was noted for winsomeness of manner in all personal contacts. Tall, slender, dignified, courteous, he was a fluent public speaker, rather restrained in style and habitually well-prepared. Officially he revealed a refreshing willingness to cooperate for the public welfare with men of opposite political views, . . .²

¹Johnson County Democrat, December 13, 1927. (Kansas Scrap Book Biography, IX, p. 8.)

²Tyrrell Williams, "Hadley, Herbert Spencer," Dictionary of American Biography, ed. Dumas Malone (New York: Charles Scribner's Sons, 1932), VIII, 81.

As the son of a man considered wealthy in his local community and with a long and proud heritage in this country, his background pre-determined his character to some extent. His mother, who died when he was three years old, was a descendant of an English Puritan, John Beach, who immigrated to this country about 1640.³ The Hadleys had come from Ireland to Pennsylvania about 1712; had lived in North Carolina as Quakers until the slavery question had made it uncomfortable for them there; moved to Indiana where Herbert's father, John Milton Hadley was born. Then, before the Civil War, the Hadleys moved to Shawnee, Kansas, to take charge of the Quaker mission for the Indians.⁴ Another grandfather had been a Presbyterian minister in Kansas during the pre-Civil War days.⁵ John Milton Hadley served with the Union army for four years, leaving the service with the rank of Major. Later he served Johnson County for three terms each as sheriff and clerk of the district court.⁶

With this ancestry and a father who set an admirable example for his young motherless son, Herbert developed into a self-confident young man who was able to decide what he wanted to do and to do it well. From his days at the

³Ibid., p. 80.

⁴Kansas Scrap Book Biography, IX, p. 4.

⁵Edward J. Wheeler, "Darling of the Gods," Current Opinion, LIV (January-June, 1913). (Kansas Scrap Book Biography, IX, p. 33.)

⁶Johnson County Democrat, December 18, 1921. (Kansas Scrap Book Biography, IX, p. 8.)

University of Kansas, William Allen White, a fellow student, remembered him later as a young man "who did whatever he did with vigor and enjoyment, whether it was taking part in an oratorical contest, or hunting, or playing poker. He did it well." ⁷ Before 1892, when Hadley graduated from the University of Kansas, it was evident he was an able leader, could work well with others, and had thus far in his life fulfilled the potentialities that brought success. He would no doubt continue to do so.

Hadley's talents were varied and he could claim fame in several fields. As a lawyer and a politician, he earned the highest office in the state of Missouri, governor from 1909 to 1913. He was outstanding in these fields, but the tuberculosis that caused the cessation of these activities enabled him to develop his talents along other lines. In 1914 and again in 1916 his health failed, so instead of taking part in political campaigns for a senate seat, he was forced to travel through the Rocky Mountains and New Mexico, attempting to regain his previous vigor. During these years, the law firm which he headed was engaged to represent all the railroads west of the Mississippi River in their physical valuation cases before the Interstate Commerce Commission. Hadley worked on these cases as often as he was able. By 1917, he had given up work with the Kansas City Law firm, but was able to accept a position as professor at the University of Colorado Law School. During

⁷Kansas City Star, October 11, 1939. (Kansas Scrap Book Biography, IX, p. 2.)

the six years spent in Colorado, aside from his educational duties, he wrote and published a book, Rome and the World Today; served two years as counsel for the State Railway Commission; and worked with the American Law Association and American Criminal Court proceedings to remedy defects in the efficiency of the law, which he continued upon returning to Missouri, with the Missouri Association for Criminal Justice. In 1923, he was called and accepted the position of Chancellor of Washington University, St. Louis, Missouri, where he continued until his death in 1927. At the University, he was instrumental in organizing a students' loan fund and a department to furnish facilities for part time student employment.⁸ In addition, a few months before his death he was named a trustee of the Rockefeller Foundation. He was survived by his wife, Agnes, and three children when the tuberculosis that had plagued him finally caused his death on December 1, 1927.

Herbert S. Hadley opened a law office in Kansas City in 1894, immediately after his graduation from the Northwestern Law School. He did not actually seek political office at first, but made speeches, which he did well, for his party, in Missouri the minority Republican Party. By 1898, he received recognition with an appointment to the vacant position of First Assistant City Counselor; then in 1901 he was elected Prosecuting Attorney for Jackson County, running

⁸Kansas Scrap Book Biography, IX, p. 5-6.

two thousand five hundred ahead of his ticket. The next year he was married to Agnes Lee of Kansas City. When he was defeated in the 1903 election, he found it necessary to return to private practice in order to provide for his growing family. To protect himself from the uncertainty of political office, he began representing the Metropolitan Street Railway Company; all the while, due to his honesty, effectiveness and daring in carrying out his duties, noticeably increasing his popularity with the general public as the years passed.

In 1904, when he was nominated as the Republican candidate for Attorney General, a nomination he had not sought, he feared his political career had been utterly ruined. However, the Missouri Republicans had espoused generally popular Progressive reforms and in 1904 carried the state except for the office of governor, which went to a Progressive Democrat, Joseph W. Folk. Hadley and Folk found that they could work together toward the goal of eliminating illegal activities from the state, accepted by the people as Progressive achievements, which added to their popularity.

As Attorney General, Hadley's greatest accomplishment was his successful anti-trust suit against Standard Oil of Indiana. He discovered that two subsidiaries of Standard of Indiana controlled ninety-five per cent of the state's oil business and, by division of territory, one had taken the eastern half of the state, while the other enjoyed a monopoly in the western half. Of course, Standard Oil of New Jersey was the responsible corporation, so after a difficult

year of serving subpoenas in New York, Hadley caught the eye of the nation when he traveled to New York and brilliantly extracted information from high Standard Oil officials, while their representatives, the greatest lawyers in the country, could do nothing. As a result, the offending companies were fined and orders of ouster were issued against Standard of Indiana; other states followed suit against related companies, and the Federal Court later prosecuted the great Standard Oil of New Jersey.

Other proceedings taken by the active Attorney General under the anti-trust law were against the Harvester trust and against combines in the lumber and insurance business. Although some of these actions ran over into the term of his successor, they all resulted in fines and ouster orders against these companies. Hadley carried out the Roosevelt tradition of public trust-busting in fine style. He also worked with Governor Folk in destroying race track gambling in St. Louis. These were all popularity building ventures for Hadley and the Republicans, who had been accepted as unfortunate mistakes; while Folk, and the Democratic party lost popularity especially with their strict enforcement of the law against the Sunday sale of liquor. It was only logical that Hadley would be the favorite candidate for the gubernatorial seat in 1909.⁹

⁹Kansas Scrap Book Biography, IX, p. 5.

While in 1903 there was dissention within the Democratic party, the Republicans were able to run most of their candidates without opposition in the state's first primary for choice of candidates. Here Hadley, as well as Stubbs, was the first governor of his state to be nominated by the people instead of by a nominating convention for his office. On the basis of his character, honesty, and personal following, he was elected in November for the four-year term. His plurality was a great deal larger than his party's nationally; Hadley running about 16,000 ahead of his opponent, while Taft's plurality was only about four hundred fifty. And although there was again a Republican majority in the House, Republicans lost most of the state offices. Thus, Missouri elected its first Republican Governor since 1875, but the Republican was forced to prove his ability to work with men of opposing political views, especially during the second half of his term, and to utilize the independence of action his personal honesty and the sincerity of his convictions had earned for him.¹⁰

Upon his election as governor, the Kansas City Star expressed hope in:

. . . a man who believes in his own capacity to grow. Hadley is finely self-confident; but he is not complacent nor self-satisfied. . . . admirable devotion

¹⁰Edwin C. McReynolds, Missouri: A History of the Crossroads State (Norman: University of Oklahoma Press, 1962), p. 323.

to the interests of a client, a constructive imagination; the result is a bigger man.¹¹

Of his victory, the Star said:

The election of Herbert Hadley as governor of Missouri is as clean-cut a victory for the people against machine politics and disreputable influences as is the election of Hughes in New York.

Hadley's victory lacks no detail of a popular triumph. The combination of the Special Interests against him was complete. Brewery domination, machine rule, saloon law-breaking, race track gambling, these threats to good government and public decency were in desperate activity against him. . . . won for the people and with the people.¹²

Because of his anti-trust work and his insistence upon honesty from corporate wealth, and especially because of his well-known admiration of Teddy Roosevelt, Hadley was considered a liberal and a Progressive by the people. However, his circumstances in office and, probably his background, made the results of his political career appear to be more moderate than liberal. It is necessary to consider when evaluating Hadley's administration as governor, not only that he was representing the minority party, but that he followed a successful Progressive Democrat, Joseph Folk. Although Folk was not well accepted by the Missouri Democratic machine, he was able to push through the General Assembly much legislation considered to be Progressive in nature. Already mentioned was the passage of a direct primary law, covering state and local officers and congressmen, passed under his recommendation. Also passed

¹¹Kansas City Star, November 8, 1908. (Kansas Scrap Book Biography, IX, p. 68.)

¹²Kansas City Star, November 5, 1908. (Kansas Scrap Book Biography, IX, p. 71.)

were provisions for the nomination of the caucus nominees for the United States Senate.¹³ The initiative and referendum amendment had been tried before, but was successfully written and submitted to the people under Folk. He was instrumental in the passage of the law requiring compulsory registration and publicity for lobbyists. A law restricting child labor was passed on his recommendation.

Folk also encouraged Progressive reforms by better enforcement of old laws. Hadley, as his Attorney General, had enforced the existing state anti-trust laws. They had worked together in reducing the gambling in the state. The Sunday closing laws were strictly, though not popularly, enforced, a policy followed by later governors. The compulsory education laws were better enforced; as was the existing anti-pass law for railroads, but a stronger anti-pass law was not successful with the General Assembly.

These were legislative and administrative activities in which Hadley had little influence. He was elected as a Progressive, as was Folk, but as an administrator, he chose to emphasize the problems of home rule and insufficient revenue, rather than political reform measures, as had Folk. The problems of Missouri were, of course, also different from those of Kansas. Missouri was an older, better established state, with more industry, including the manufacture of

¹³William T. Miller, "The progressive movement in Missouri," The Missouri Historical Review, ed. Floyd C. Shoemaker (Columbia: State Historical Society of Missouri), XXII, No. 4 (July, 1928), 461.

alcoholic beverages, and more population; in general a more sophisticated state than Kansas, but also containing many areas of much less than average standards of living, genuinely backwoods areas. The great cities of the state presented problems for Hadley with which Kansas had not yet the necessity to cope; and Missourians had not gone so far in areas of social legislation or were reluctant to pass the legislation that would improve the condition of the average working man. The state treasury was also at this time showing a deficit due to the lack of increased subjects for taxation, while state spending was being increased.

In his inaugural address on January 11, 1909, Governor Hadley asked the Missouri General Assembly for "home rule" for the people of the large cities of the state and legislation to make their police departments non-political. This had been probably the most prominent campaign pledge of the Republicans for the past several elections. He also wanted state regulation of the liquor traffic and a complete separation of the brewery and the saloon. He suggested that the state could receive a license fee from those lid clubs which sold drinks on Sunday and that there should be residential local option for the sale of liquor. Election reform for the state was much needed; he suggested bi-partisan election boards for each city, as well as for the state. He asked to strengthen the primary election law by making fraudulent practices a criminal offense. Their senatorial primary law, he felt, should be either repealed or drastically amended. Other suggestions

were that Public Service Corporations be regulated by statewide appointive boards; that railroad passes be abolished; that there be state regulation of public works trusts; that they have a superintendent of schools in each county and that the Courts of Appeals be used to better advantage. The state was in great need of more revenue, and specific recommendations were made as to the areas from which he felt additional taxes would most equitably be levied. More laws for good public highways were also strongly advocated.

In comparing the programs which the two new governors of Kansas and Missouri were seeking to have enacted, one finds they have in common proposed good roads legislation, regulation of public utilities, control of railroad political power through anti-pass laws, amendments to primary election laws, concern over control of the sale of liquor in their state, and concrete suggestions for strengthening the state law. The laws of Missouri were to be organized and brought up to date in this session, for it was the revision session, called up by the state constitution for every ten years. Governor Hadley had already set lawyers to work at this great task in order that the laws might be completely codified and that all antiquated provisions might be deleted. However, during a revision session, the Missouri General Assembly was not usually expected to be so productive as in other sessions, having the business of revision bills demanding attention. Since the race for lieutenant governor was so close that a recount was called, it was February before the work of the session was begun. With

part of the members in St. Louis and the remainder in Jefferson City, the Houses were not organized for three weeks after the opening date of the session. It was finally decided that the Republican candidate, J. F. Gmelich, was to be seated, the Democrats conceding, but still holding the majority with the power to control.¹⁴

Hadley was able to get much of his legislation through only one house of the General Assembly. Most of it was denied him by the "Democrats of the Senate". A Kansas City Star editorial of May 17, 1909, accused the Senate of losing the respect of the electorate in order to refrain from adopting any form of Republican suggested legislation.

One of Hadley's principle concerns was the redemption of the campaign promise for home rule in the state's two large cities. This became a partisan project in which the definition of home rule could not be agreed upon. The Senate bill, introduced by Democratic members, advocated complete "home rule" in which the state would withdraw entirely from police and excise affairs of the cities. A similar bill had previously been vetoed by Governor Folk, for the same reasons Governor Hadley could not support such a measure. Sunday closing laws were the particular issue here. The brewers and corporations had special powers over the political machines of the cities; hence, it was suspected that without state supervision, some of the regulatory laws might not be enforced.¹⁵

¹⁴Kansas City Star, May 16, 1909.

¹⁵Ibid., May 15, 1909.

The Republican bills submitted in the House granted "to the cities the largest degree of local control of local affairs that is consistent with the protection of states' rights and laws."¹⁶ Governor Hadley wanted to retain "the power - jointly with the Mayor - to remove a commissioner with cause."¹⁷ Hadley felt that the state laws in the fields of excise and police departments could be protected only if the state retained some means of control; while the Democrats denied that this was real home rule. So each house of the General Assembly passed its own measure and would not accept that of the other house.¹⁸ Hadley stated his intention to circulate petitions in order to present an initiative on the subject, a measure similar to the measure passed by the House, to the people in the 1910 election.¹⁹

A bill did pass both houses that gave Kansas City an opportunity to re-organize its police force and increase the salaries in that department. It was hoped that this measure would remove that department, as far as possible, from any political orientation.

The Kansas City Star pictured Missouri as a state which had previously been so corporation-bound as to economize in the field of taxation to the point of sacrificing legislation

¹⁶Ibid., April 2, 1909.

¹⁷Ibid.

¹⁸Ibid., March 26, 1909.

¹⁹Ibid., May 16, 1909.

for the people in order to safeguard corporations from paying high taxes.²⁰ Folk and Hadley had already taken the initial steps in breaking corporation influence by holding down the "boodlers", and had passed some progressive reform measures; but these cost more money; and there was increasing need to improve and enlarge state facilities, which also cost more money, so there was much complaint, especially from Democratic newspapers, about the expense of a Republican regime.²¹ However, the Kansas City Star, as usual an advocate for reform measures, continued to call for a revision of the Missouri revenue system. At the end of the session, decrying the fact that appropriations for the state university had been below the par of other "poorer" states, they boosted Hadley's new revenue measures and stated: "The time is surely past when Missouri can afford to fashion its expenditures, or investments, according to an insufficient measure of receipts."²² Even with parsimonious appropriations, the expenditures were expected to exceed the revenue available.

Missouri had a Board of Equalization, general property tax, and supposedly, a full-value assessment for taxation. To increase the revenue of the state, Governor Hadley urged:

- "1) a tax upon the franchise of corporate existence,
- 2) a tax upon direct inheritances,

²⁰Ibid., January 21, 1909.

²¹Jefferson City Tribune, May 9, 1909.

²²Kansas City Star, March 3, 1909.

- 3) a tax upon wholesale liquor dealers, clubs . . .
selling liquors, and retail liquor dealers . . .
- 4) the abolishment of . . . system for the inspection
of coal oil and gasoline. . . ."23

Only the last of these was passed by both houses to become law. This abolished the system of employing many inspectors, partially responsible to Standard Oil, and installed one inspector with six deputies to perform the service. This, plus a tax on whiskey, would add an expected four hundred thousand dollars to the state revenue, not enough to pay the increased expenses of the state. Hadley was able to avoid the deficit for the 1909-1911 biennial only by using an executive order to increase the saloon license tax.²⁴ The oil inspection bill proved successful, while enforcement of the tax on whiskey was resisted, producing no revenue. These revenue measures were of utmost importance to Hadley for the preceding administration had left a deficit of almost one million dollars, and there were no other new means provided for producing this revenue.

There was already in existence a law for a collateral inheritance tax of five per cent, so the two per cent tax on direct inheritances was not favorably reported out of committee in the House. Neither house would pass the bill on dealers in liquor. The tax on capital stock of corporations was passed by the House, but refused by the Senate. A tax on

²³Jefferson City Tribune, April 24, 1909.

²⁴McReynolds, p. 323.

motor cars was unfavorably reported out of committee. Obviously, the corporation hold on the state assembly was still strong enough to curtail expenditures for which they might have to pay, and the corporations did not appreciate Hadley's new revenue measures. Extra appropriations for good roads were necessarily declined due to the lack of revenue, as well as a cut in university appropriations.

The attempts to solve the problem of control over the railroads included not only the corporation tax defeated by the Senate, but, to protect the people, bills were introduced that would establish control of the rates of express companies, keep railroads out of such unrelated businesses as lumbering or mining, and could place stiff penalties upon railroads that discriminated in setting passenger fares, causing those who rode short distances to pay more per mile. More popular were the new two-cent fare bills and an anti-pass bill. The House passed an anti-pass bill, an anti-discrimination bill, and gave the railroad commission the right to regulate passenger rates. However, not one of the measures to control railroads was approved by the Senate; the others introduced received approval from neither house. It was somewhat surprising that no actual legislative action was taken against the railroads after the district court declared the two-cent fare invalid in Missouri. The laws introduced were popular with the press, but were defeated probably due to

the partisan feelings against the administration, in addition to the power of the railroads over some politicians.

Even further attempts to control corporations were made when Governor Hadley asked for a public utilities commission that would supercede the board of railroad commissioners. This bill was essentially the same as the New York and Wisconsin measures and the one defeated in Kansas this same year. It was an excellent measure prepared as a bi-partisan project, and the newspaper support of such a bill was strong, but not strong enough to push the bill through. It also passed the House, but was defeated in the Senate, even though there was ample time remaining after the court decision on railroad fares. The commission could have set rates that would stand any court test, but the Senate saw fit to deny the people of the state this protection.

In spite of the stress Governor Hadley placed on making the election laws more equitable and bi-partisan, nothing was done in this session to solve these problems. The House passed a measure for changing the date of senatorial nominations to the same time as the primary election, but refused to consider the Oregon plan. The Senate accepted neither. The bill to eliminate petitions for candidates to run in the primary in favor of a filing fee was almost passed, but House amendments defeated it. Governor Hadley's recommendations for bi-partisan election boards in Kansas City and St. Louis were never considered seriously.

The prohibition question was important to many people in the state. Apparently, petitions were daily presented to the General Assembly, amply signed by citizens in favor of a state-wide prohibition amendment. However, St. Louis was a popular spot for breweries and the brewers were able to exert a great deal of influence on the legislators. The Kansas City Star²⁵ editorially indicated their hold over the Senate in its attempt to attach a tax rider to the prohibition amendment which the House made every attempt to offer to the people of the state in an acceptable form. The Senate argued that the sad depletion of state revenue necessitated some tax to replace that lost when liquor revenue became illegal with prohibition. The tax rider they attached would almost double all general property taxes, which, of course, made the amendment much less attractive; not to mention the fact that it continued the general property tax which was felt to be an inequitable form of taxation. The House would not accept such a rider, so no legislation was forthcoming. However, Governor Hadley supervised the passage of legislation for the mechanization of the new initiative and referendum law, believing an initiative for prohibition would be more satisfactory. This caused no little surprise because Republicans of Missouri had been generally against the amendment for initiative and referendum which had been submitted to the people in 1908 and

²⁵Kansas City Star, April 5, 1909 and May 8, 1909.

accepted. Hadley himself had not voted for it, but intended to use it, since the people had adopted it.

The local option question was settled in the House to the satisfaction of Governor Hadley. The bill passed there entitled city, district or county the right to vote for or against the sale of liquor in their area. But the Senate adopted the bill suggested by the attorney for the St. Louis brewers, which granted to a council the power to fix the "territorial limits within which no dramshop shall be located."²⁶ The House would not accept this council option. No compromise was found on this issue.

The House also passed along these lines bills that would divorce saloons and breweries, providing that breweries would no longer own or operate saloons; the Senate did not. Neither branch would consider the passage of legislation that would regulate the sale of liquor by clubs. However, there was agreement on the passage of a bill, previously mentioned, placing a tax on whiskey. Governor Hadley vetoed a bill providing for the transfer of dramshop licenses from one person to another in larger cities. The veto was on the grounds that it conferred the right of property on those persons holding such licenses and would make it impossible to revoke the license, which was meant to be considered a privilege, not property.

²⁶Ibid., March 11, 1909.

Woman suffrage was introduced in the Senate for the first time in many years. It was not passed, but its surprising appearance brought these remarks by way of evaluating its future possibilities:

Woman suffrage never made much progress in Missouri. Usually it is never heard of in the legislature, and for many years, the law makers preferred to talk initiative and referendum. Two years ago the referendum amendment passed and prohibition made its appearance. This year there is a strong probability that the question of prohibition will be submitted to a vote of the people. The next on the list, evidently is equal suffrage, which will not pass this year, . . .²⁷

Bank guaranty came up in the legislature as a strictly Democratic measure. The guaranty bills introduced in the slightly Republican House were reported unfavorably out of committee. The bankers of the state organized early against this type of legislation, declaring there was no need for it. In the Senate the guaranty bill was introduced as an amendment to the bankers' association bill for the regulation of state banks. The bill passed by the House was similar, and both were good measures. But the Senate stood by the guaranty amendment, which the House would not accept and there was no new legislation for banks.

A board of control bill for state institutions was passed by the House; this also refused in the Senate.

Successful legislation pertaining to the whole state was scarce not only because of the partisan members and the revision laws to be considered, but also due to the wide

²⁷Ibid., March 15, 1909.

variety in population density which necessitated many bills of a local nature. Of those measures passed that would affect the state, most were progressive. Those applying to the physical health of the state included a pure food and drug bill, a bill fixing the standard of milk that might be sold, a medical association bill, and one requiring registration of nurses in order that those with proper training might hold credentials showing their capabilities. A bureau of vital statistics was also established.

Child labor laws were extended to the smaller cities as well as the large ones; and defects in the factory inspection laws were remedied for the safety of factory employees.

Provisions were made for school supervision in each county; also for night schools and summer schools to be maintained in large cities. At this point, the state could not afford to pass legislation to aid poor school districts, but such a measure was introduced.

The General Assembly created a Board of Immigration which was appropriated \$25,000 to be used in advertising the resources of the state of Missouri to those without in order to attract new citizens. Governor Hadley used every opportunity to publicize the variety and abundance of state resources thereby stimulating interest in conservation in the state. A nominal appropriation of five thousand dollars was made for a Water Ways Commission, the five members to serve without pay; their function to further the interests of the navigable

streams of the state. A report of the Forestry Commission provided added strength for the Forestry Department; but the measure failed to pass, so Governor Hadley appointed another commission to report to the next General Assembly. Missouri was slow in taking proper measures to care for their many acres of forest and farm land.

In somewhat the same backward condition were Missouri's game laws. New laws were badly needed and the Senate bill, which provided for a fish and game commissioner, license fees, etc., passed both houses of the General Assembly. However, the two houses could not agree on amendments, so this bill was also lost.

The road problem in Missouri was not due to a lack of good laws, but to too much local option.²⁸ There were enough road laws to fill a complete volume of the 1909 revision work, even after obsolete laws were repealed and effective laws consolidated. The state could not afford to subsidize road building and road taxes were worked out by local farmers in their own area with the supervision of the county highway engineer. This usually meant the work was not done efficiently and the cost of supervision amounted to as much as the labor. Therefore, the state highway engineer requested the legislature do away with local option road building and provide for taxes to be paid in cash so that more work might be done

²⁸Ibid., March 7, 1909.

on all weather roads. However, in this field also, nothing of note was accomplished.

Other bills introduced and consolidated by a House committee provided for the creation of a text book commission and a printing plant to be operated by the state. This bill gained many supporters and might have been successful had it not required an appropriation of \$300,000, which again the state could not afford, so the bill was not passed.

Governor Hadley did his part in stimulating interest in improving conditions within the state penitentiary. A Senate committee and the State Board of Health both made recommendations to improve ventilation, lighting, and cleanliness. Some changes were initiated, but nothing requiring the expenditure of large sums of money.

The achievements of the forty-fifth General Assembly were thus limited. They were given their special credit for exceptional honesty and lack of scandal. Probably their main accomplishment, and no small one, was the complete and scientific revision of the statutes. This was worthy of praise. Although Governor Hadley's recommended legislative program contained measures that were for the benefit of the people, the legislature would not co-operate in the passage of administration-sponsored bills.

Most of the bills that would have made material changes in conditions were beaten, usually by party votes, though often it was hard to see how one party could be benefited

and the other harmed by the passage of a law that on its face showed no political phase.²⁹

However, the governor found he could accomplish some reforms through his use of executive power in appointing commissioners, educating the people through lectures, and levying certain taxes that were in his jurisdiction. He was serving a four year term; hence, not subject to re-election. As the 1910 elections approached, Governor Hadley proved to be a definite asset to his party's chances. The policies of President Taft had not proven to be popular, but Hadley's moderately progressive administration had been well accepted by most Missourians and, with a half-hearted endorsement of Taft's progressive policies, Republicans were able to gain a few state offices in the election, including those of railroad and warehouse commissioner and state superintendent of public schools. However, in the 1911 General Assembly both houses gained a Democratic majority.³⁰

Governor Hadley's biennial message, delivered January 4, 1911, first dealt with the fiscal problems of the state. Revenue had just covered appropriations during the preceding biennial; but with increasing demands, the need for more revenue was becoming acute. He recommended again the corporation and inheritance taxes, plus a uniform increase in the amount of dramshop licenses throughout the state, as additional subjects of taxation. He also recommended changes

²⁹Ibid., May 16, 1909.

³⁰McReynolds, p. 324.

in the method of assessing the real and personal property subject to the property tax, in order that all property would be returned for assessment. He asked for changes that would assure, by legislative action, that all property would be assessed at the same percentage of its true value. This stipulation was not followed in the assessment procedure in the different parts of the state and such assurance might perhaps bring increased revenue to the treasury.

The home rule problem was not submitted to the people in 1910 due to too many other amendments, but again Governor Hadley asked that the people of the cities be allowed control of their police and excise affairs. However, he continued to maintain the necessity for the governor to retain the power, with proper safeguards, to remove officers should they fail to enforce the laws with which they had been specially charged. He also advocated the commission form of government for the smaller municipalities.

Hadley noted the defeat by a decisive majority of the prohibition amendment in the preceding election, but stated with certainty that this did not indicate a desire for a more liberal policy, but the belief that control was more effective through license, in areas where sentiment was in favor of the sale of liquor. Therefore, he recommended enforcement of available laws, plus some additions. Repeated, was that the law definitely state that manufacturers of intoxicating liquors should not be connected in any way with its retail sale; another for residential local option; and a law for the

licensing of all clubs of good reputation which engage in the sale of liquor.

The fight to control railroads was not to be dropped. Hadley, alluding to the continuing court fight over the two-cent fare, declared his belief in its constitutionality and recommended that the way be left open for its restoration throughout the state. Again, legislation was requested that would prevent discrimination against passengers traveling short distances within the state. He also repeated the request that railroads be prohibited from issuing passes.

The recommendation for the Public Service Commission was tempered with caution. In order to assure large corporations and railroads fair and conservative treatment, they must be assured that such a commission would make careful, scientific and conservative investigation of every situation before making an order. Hadley recommended the Commission, but expressed himself against radical or extreme measures.

Because of its efficiency and economy, he asked for one board of control for the state eleemosynary institutions, to be paid sufficient salaries, to take the place of separate boards for each, that now served without pay. There was no change recommended for administration of the state educational institutions.

To establish better control over penal and reformatory institutions, Governor Hadley asked for a board of three members to take charge of these institutions and to act as a board of pardons. In addition, he recommended another

establishment to house the younger offenders in the penitentiary and the older boys from Boonville in order that corruption through association might not be spread any more than necessary. Also recommended was the redemption of platform pledges to abandon contract labor of penitentiary inmates.

In order that state departments might adopt more effective and businesslike methods, Governor Hadley recommended the selection of a committee from the General Assembly to investigate conditions in each department and institution, possibly pointing to a reduction in the number of appointees. Also recommended was the consolidation of some departments for greater efficiency; such as State Food and Drug Commission and the State Dairy Commission, the State Fish Commission and Game Commission, etc. And a public accountant to examine all books of account of state departments would prevent irregularities and perhaps bring the state more revenue.

The Board of Immigration, created by the preceding General Assembly, had shown encouraging results, but the appropriation made for it had not materialized, therefore, private citizens had advanced funds for its work. Governor Hadley recommended appropriations to reimburse these citizens and to continue the work of the board. He expressed concern over the lack of increase in population except in the large cities, and the need for new citizens to make use of the natural resources of the state.

Governor Hadley recommended legislation for highways for year round use, as an economical investment. In order for adequate revenue for construction and maintenance to be available, he asked that the local option provisions be made mandatory provisions.

Since statistics showed at least sixty thousand persons in the state to be affected by tuberculosis in some way, Hadley asked that state institutions adopt proper methods for the care of infected patients and that a tuberculosis commission be instituted for the education of the public as to care and prevention of the malady.

The governor had asked for recommendations from an interested group for the aid of the laboring man in the case of death or injury, for now he could receive no compensation unless he could show it was the employer's fault. Their report was to be his recommendation to the General Assembly; but he wanted, at least, a commission appointed to bring further recommendations along the lines of an employer's liability or workman's compensation law.

For speedier administration of justice, Hadley asked for fewer technical reversals and that no reversal of judgment be made in civil or criminal cases unless it could be said definitely that the judgment was for the wrong party. It was recommended that the jurisdiction of the courts of appeals be increased from seven thousand five hundred dollars to ten thousand dollars.

It was asserted that in cities the honesty of elections depends upon the commission and the police departments, and that the police commission should be appointed by the governor. Again, Governor Hadley asked for bi-partisan election boards in Kansas City and St. Louis and that judges of election be given the right to require a challenged voter to write his name for comparison with his name upon the registration list.

In conclusion the Governor stated that general and senatorial primaries could be as objectionable, in a different way, as a nominating convention. His suggestions for amendment to the primary law consisted of a consolidation of both methods in the nomination of candidates. He declared the Missouri law for nominating senators unconstitutional and asserted that the nomination should be made at the general primary or by the Oregon Plan.³¹

Both governors, Hadley and Stubbs, recommended the passage in 1911 of public utilities regulation measures, two-cent fare and anti-pass laws, the Oregon plan for nomination of the United States Senators and additional measures for road improvements. Both recognized the need for workmen's compensation and/or employer's liability legislation; both expressed concern over their state court systems and asked

³¹Biennial Message of Governor Herbert S. Hadley to the Forty-sixth General Assembly, January 4, 1911.

for means for obtaining speedier justice and fewer reversals; and both were interested in more appeal from their state to new settlers.

Governor Hadley's concern over Missouri's need for additional revenue sources was not shared by the Forty-sixth General Assembly. Hadley had managed to balance the budget for the 1909-1911 biennial and apparently the 1911-1913 biennial budget was to somehow be balanced in the same manner. The appropriations were increased from about six and one half million dollars to almost ten million dollars. However, none of the measures advanced by Governor Hadley for increased revenue were given affirmative consideration.³² Some departments were to receive additional sums for specific sources, but an Itinerant Vendors law,³³ was the only measure passed to in any way increase state revenue.³⁴ Despite the concern of the governor, the Democratic Speaker termed the Legislature conservative and claimed the appropriations to be within the revenue.³⁵ It was greatly to Hadley's credit that the state

³²His objectives here were a law to compel a full return of property for taxation, the equalizing of the state tax on dram shops and making the tax at least three hundred dollars per year, a tax on wholesale liquor dealers, a corporation franchise tax, an inheritance tax and a license tax for clubs which sell liquor. Kansas City Star, March 7, 1911.

³³This law required a deposit with the state of \$500 and a license fee of \$25 to be paid by a fire sale artist and forfeited if any provision of the law was broken.

³⁴Kansas City Star, March 23, 1911.

³⁵The Daily Democrat-Tribune, Jefferson City, Missouri April 7, 1911.

budget was balanced during his term in office, a feat that his most immediate predecessors had not been able to achieve.

There were attempts in 1911 to solve the home rule question, but again partisan differences aroused problems. The General Assembly passed the Democratic caucus bill, which on the surface appeared to provide for the election of a non-partisan board of police commissioners for the three largest cities of the state. However, the provisions of the bill allowed the two major parties to nominate members, and since voters could vote for only half the number of members on the board, such a nomination was equivalent to election. As was expected, Governor Hedley vetoed the bill on the grounds that it would place all policemen, and liquor interests, actively in politics in order to secure the election of commissioners friendly to their interests; and there was no way the people could defeat an unfit nominee.³⁶

The administration excise home rule bill provided that when a city made provisions for an excise commissioner, named by their mayor and subject to removal by either the mayor or the governor for cause, the state would relinquish their present control in that field. The Democratic caucus bill applied only to St. Louis and provided for two election commissioners to be appointed, one from each party, by the

³⁶Kansas City Star, March 10, 1911.

governor. This was passed by the General Assembly, but Governor Hadley did not accept this bi-partisan board. The bill was vetoed.

J. B. Shannon, Democratic state chairman, sponsored a bill for bi-partisan election boards for the cities. He and Governor Hadley came to agreement on a bill to provide for two commissioners for each party, to be selected by the governor from a list of six men of good character submitted by the state committee. Both parties voted for this measure and boards were provided for both Kansas City and St. Louis. There was no success for those bills seeking bi-partisan judges, or challengers, at registration and election places.

With this session, it was obvious that interest in the issue of home rule was decreasing and as late as 1928 no changes had been made in the handling of these problems. Comment at that time showed:

The Governor, through state boards, still controls the city police departments, but there is now, at least in St. Louis, little complaint of political activity on the part of the police, and home rule has become almost an academic issue.³⁷

There was a good deal of comment over the defeat in the Senate of a measure to allow Springfield and Joplin to initiate the city commission form of government. Senators from large city districts pounced on this measure and did not allow it out of committee with a favorable report. The same kind of measure was also defeated in the House. The Senate did manage

³⁷Kansas Scrap Book Biography, IX, p. 5.

to appoint a special committee to report to the next General Assembly on the advisability of all cities of the third class adopting the commission form of government.

The different local option bills were again introduced, but reported unfavorably from committee. Even though the "dry" forces demanded a vote, there was no chance for any bills of this nature, or bills in any way associated with limiting or taxing the sale of liquor. As the Kansas City Star commented at the close of the session:

There is no change in the liquor license taxes, in fact the liquor laws of the state are the same as they were before the legislature met, in every essential particular.³⁸

The 1911 General Assembly passed a number of important bills for the regulation of railroads, many of which had been discussed in the previous session. Express companies had heretofore been able to avoid almost all regulatory and taxation measures, but in this session laws were passed that gave railroad commissioners the power to fix rates for express companies; that taxed express companies on a basis of four per cent of their gross earnings; and that required express companies to deliver, without extra charge, in any incorporated city over five thousand population, to any point within the city, this to alleviate the situation with express companies in St. Louis. The railroad commissioners were given authorization to fix maximum passenger rates; this, and the anti-discrimination law that was passed, were meant to open the way

³⁸Kansas City Star, March 23, 1911.

for the two-cent fare and, for the present, to establish the two and one half cent fare over the three-cent fare until a final court decision solved this problem. Also passed was a law voiding contracts limiting the liability of a company.

Attention was also given to measures for increasing the safety and efficiency of the railroad system. The railroad commissioners were given the power to compel the establishment of automatic signals at dangerous crossings and the power to fix switching charges; they were also to fix the terms under which one railroad could cross another. It was made a misdemeanor to tamper with railroad signals and lights. Trainmen were to be protected by the requirement of the use of a standard form of caboose. For passenger convenience, laws were passed to require two passenger trains daily on each railroad forty miles in length. Depots were to be kept comfortable, clean and sanitary. And telephones were required in all railroad stations and employees were to be required to answer timetable questions correctly.

The private corporation laws of the state were revised, and a measure, very much like the Kansas Blue Sky Law, was approved which required new corporations, before it was possible for them to be chartered by the secretary of state, to "itemize their property correctly, setting out each particular piece in detail and its true value."³⁹ The extent of this measure was more limited than the similar Kansas measure,

³⁹Ibid., April 14, 1911.

but was meant to help to prevent the organization of additional wildcat corporations. Other laws passed for the regulation of corporations included one making officers and directors liable to the stockholders when they purchased property for corporations directed by them at prices clearly too high; another made it a misdemeanor to misrepresent one's financial condition to obtain credit; another made it an offense to circulate damaging false reports about the solvency or condition of financial institutions; and one permitted the formation of mortgage loan companies.⁴⁰

The General Assembly passed the American Bar Association measure providing for uniform warehouse receipts and giving the forms of receipts that were to be used. All corporations were compelled to pay their employees twice each month.

Insurance companies also found several measures passed that regulated them. Fire insurance companies were required to file all rate schedules with the state superintendent of insurance, who was then empowered to fix rates that were deemed inequitable. This was expected to save Missourians one million dollars annually. The amount that could be spent for the promotion of an insurance company was limited to ten per cent of the stock of that company, but organizing companies were permitted to reduce their capital stock to the amount of stock issued and sold. All state fire and insurance companies were to be placed on the same basis with

⁴⁰Kansas City Star, March 23, 1911.

foreign companies as to the matter of loans and reserve and were to be permitted to invest surplus money in realty outside the state.

The institutions of the state did not receive this same vigorous treatment and were for the most part ignored. The only action pertaining to them, aside from the necessary appropriations, was that the amount contributed by the county for the care of indigent insane patients in state institutions and the amount counties paid for youth sent to industrial schools was raised. In the first case, the amount was raised from \$2.50 to \$3.00 per week, and in the second, from \$75 to \$100 a year. This was necessary because the increase, especially in the cost of food, required more funds to purchase healthful foods and to improve conditions to some extent.

There was no consolidation of boards provided for the state eleemosynary institutions, nor were new institutions of any kind proposed. But the measure to abolish contract labor of penitentiary inmates was passed. Under contract labor, the penitentiary had been self supporting, but labor forces had for the past twelve years been seeking the passage of this measure. The number of convicts working under contract was to be decreased by three hundred per year. Those released were to work on the manufacture of articles to be used in the state institutions. The new system was considered more equitable to all those concerned.

Labor was given a great deal more consideration than the acceptance of abolishing contract labor. The Senate

appointed a committee of five senators to investigate the subject of employer's liability and to submit their report to the next session. Among the measures enacted that were favorable to labor was the extension of child labor laws to cover the entire state, with the exception of boys working on farms, and a bill to limit the number of hours a woman could work a week to fifty-four, or nine hours per day. Specialized bills in the field provided certain sanitary regulations for bakeries. For the safety of mine workers, measures were passed to prohibit the storage of more than one day's supply of dynamite in a mine. The mine inspector was given authority to provide sanitary regulations for mines and provisions were made so that complaints to such inspectors would be made without having names revealed. Inspectors were also given permission to enter mines without previous notice to the operators.

An attempt was made to improve the situation relating to the administration of justice. As demanded by lawyers, a law was passed creating a Supreme Court commission to aid in clearing the appellant court records. A probate court law was passed to shorten the time for administering estates. A "Jackrabbit" Justice bill was passed to require the filing of suits in the district where the defendant lived or where the debt was contracted. A board of control was established for incorrigible children, and St. Louis was given the right to create a board to find homes and see to the care of friendless and homeless children.

The juvenile court laws for Jackson county were revised and a "Widow's Pension" law was passed that provided for the "juvenile court to pension widows and wives of convicts as a means of enabling them to keep homes for their children."⁴¹ The limit of expenditures of this nature by the juvenile court was set at twelve thousand dollars a year, the widow to receive ten dollars a month for one school age child, an additional five dollars for other children of school age.

Legislative discussion of the Immigration Board brought forth some biting editorials from the Kansas City Star. The Legislature refused appropriations for the reimbursement of those businessmen of Kansas City, St. Louis and Springfield who had advanced funds for its operations, the Democrats saying they should have used better judgment.⁴² The Democrats were accused of seeking a method that would insure that all immigrants understood that the state and the development of its resources were "For Democrats Only."⁴³ The Democratic caucus bill to ease the problem repealed the law of 1909 and made the governor, secretary of state, state auditor, state treasurer and the attorney general, the Board of Immigration, placing twenty thousand dollars at their disposal. Although it was said of the measure that "Its declared purpose is more to prevent immigration of the

⁴¹Ibid., March 23, 1911.

⁴²Ibid., March 9, 1911.

⁴³Ibid., March 9, 1911.

kind the Democratic machine does not want than to help to bring home-builders to Missouri",⁴⁴ the caucus measure was passed. However, the Senate added the amount owed from the previous biennial to the General Appropriation Bill, so it was finally repaid, and the new bill, though a political one, was expected to have some constructive value, providing the new Board of Immigration selected an aggressive man as their agent.

The roads of the state were to be improved; the state had become aroused on the subject of road legislation. The laws passed were expected to go a long way toward making perfect road laws for the state, if county courts and the people would make use of them.⁴⁵ Road overseers were given the power to have dirt roads kept in excellent condition by ordering them dragged when necessary, at fifty cents per mile, up to the maximum cost of ten dollars a mile per year; this cost to be absorbed by the county. Dragging was to be done by local workmen when possible, and would amply provide for good dirt roads in those counties interested. Making it easier for those areas wanting to build rock roads, measures were passed allowing townships to vote bonds to the constitutional maximum for building rock roads; for dividing counties into road districts which could vote bonds for roads; making any road district a corporate body with power to sue or be sued;

⁴⁴Ibid., March 9, 1911.

⁴⁵Ibid., March 20, 1911.

and allowing road districts to be as small as six hundred forty acres.⁴⁶ Under these provisions, roads could be built in any area of the state interested enough to organize the district and provide for the funds.

Providing for a measure of state aid for those districts building rock roads, a bill was passed that called for distribution of the road fund on a basis of county participation. The first distribution was to place an equal amount in the hands of each county; subsequently, every six months, the road fund was to be distributed on the basis of the amount a county raised for itself, with no funds going to a county which did not itself levy a road tax on its own citizens. The state funds could be used only for macadam or gravel roads and steel or concrete bridges. "In a crude way the bill establishes the idea that the county that helps itself is the one to get state aid."⁴⁷

The poll tax was made payable in cash by every able bodied man between the ages of twenty-one and fifty not living inside the limits of a city or town. The amount was to be between two and six dollars, with those men over fifty years of age paying fifty cents each. This money was to be used by the county to pay for work done on roads.

The General Assembly passed a law that would insure the production of revenue for the road fund. The Motor Car Bill

⁴⁶Ibid., March 23, 1911.

⁴⁷Ibid., March 19, 1911.

established a license tax on each vehicle that would range from two to twelve dollars depending upon its horsepower rating; the revenue to be used only for the road fund, although it initially became a part of the state treasury. This measure also provided regulations for the use of the roads and penalties should there be violations likely to result in injury. The road fund was also the recipient of \$100,000 from the tax on brokerage futures.

With the passage of a new set of reclamation bills, Missouri developed an up to date system that applied to all river areas. Previous measures had applied only to the southeastern counties of the state which was a swamp land section of the Mississippi River. However, different sections of the new laws could be applied not only there but also in the Missouri River lowland areas, with drainage districts of different sizes allowed according to the area and the amount of improvement needed. The payment for benefits was to be made by owners of farms receiving the benefits, but their land would be taxed in long-time payments to cover improvements.

A new game law was passed for the state with a \$90,000 appropriation, but its significance was entirely overshadowed by the partisan fight over the game warden. A rider was attached to the appropriation stating that none of it was to be used for any of such stated purposes as the protection of fish and game or the enforcement of the game law as long as Jesse A. Tolerton held the position of game warden. Governor Hedley dismissed the matter as unconstitutional.

Speaker of the House Barker stated at the close of the session, "Superintendent of Public Schools Evans told me that this legislature passed more bills in the interest of education than any other since Jefferson City was the state capitol."⁴³ Among the bills passed was one requiring the state school fund to be apportioned to county schools on the basis of school attendance rather than school population, to prevent padding of the school census. One-third of the entire state revenue was appropriated for the public schools. Measures were taken to further enforce the truancy laws. And a bill was passed providing for three grades of school teachers' certificates, the first grade to be acceptable in any school in Missouri.

The educational system was further strengthened by the passage of a bill providing for agricultural high schools in every county. This was an attempt to extend the work of the department of agriculture of the state university. This department was to aid county courts in the supervision of these agricultural high schools and also to furnish their teachers. The department of agriculture was given more liberal appropriations than it had ever before received in order to carry out these new responsibilities.

A law was passed that provided for the formation of tuberculosis hospital districts. This permitted any number of

⁴³ The Daily Democrat-Tribune, Jefferson City, Missouri, April 7, 1911.

counties to form themselves into a district, or part of one county to join other counties, by five per cent of the voters signing a petition for the formation of a district. Another law passed prohibited the adulteration of non-alcoholic drinks, with penalties should the provisions be violated. The measure was directed toward dairies which used various preservatives to keep their milk sweet.

No legislation of merit was forthcoming that would improve or amend the election laws of the state, either primary or senatorial. A measure for the recall was brought up in the House, but voted down in the jam at the end of the session. There was no real hope for its passage.

The ratification of the income tax amendment to the federal Constitution was completed on March 16, 1911, thus the General Assembly waited until nearly the end of its session to give its approval to this resolution.

It was on February 5, 1911, that the state capitol building of Missouri was completely destroyed by fire. The edifice had been erected in 1828, remodeled fifty years later, and had been obsolete enough that the question of replacing it had been discussed in the 1909 General Assembly. With the necessity for supplying the state with new housing facilities for the seat of its government, the Senate immediately began to take steps to initiate a rebuilding project. Provisions were made for the people to vote on bonds for the amount of three and one half million dollars at a special election in August; the bond was approved with

the first effort and work begun immediately. Governor Hadley enlisted the aid of Democrats to see that the government of Missouri was not moved from Jefferson City and that the new structure would be one of which all Missourians could be proud. The capitol building on the bank of the Missouri River is the result of this bi-partisan effort. The commission to supervise construction consisted of two Republicans and two Democrats who carried through the designing and construction of the capitol to the satisfaction of the public, without scandal, evidencing honest, efficient and economical administration.

Although Hadley's legislative program was not successful, he found many methods other than legislation to promote the spirit of Progressivism in the many functions of the state.

In a general way he undertook to make the office of governor an effective agency for arousing public opinion and interest in matters of public concern and aiding in the encouragement and development of the State's industrial and agricultural resources. In this effort he went about the state accompanied by experts making addresses to stimulate the interest in the building of highways, the bringing in of new settlers and the opening of new industries.⁴⁹

Another field in which Governor Hadley was much interested was that of improving health conditions in the state. A commission was established to make a survey leading to possible improvements, and probably the most noteworthy result of this commission's work was the reorganization of the State Anti-Tuberculosis Society which was thereafter maintained on a sound working basis.

⁴⁹F. W. Lehmann, "Herbert Spencer Hadley", The Messages and Proclamations of the Governors of the State of Missouri, compiled and edited by Sarah Guitar and Floyd C. Shoemaker, AM (Columbia: The State Historical Society of Missouri, 1928), X, 9.

Executive direction placed all state institutions under the supervision of the State Board of Health in matters relating to sanitary and hygienic conditions. The purpose of this Board heretofore had been simply that of an examining board for admitting doctors to practice, "but he had its members inspect every State institution and very marked improvements were made in conditions affecting the health of the inmates."⁵⁰

Conditions at the state penitentiary were also improved due to the influence of Governor Hadley. Changes were made that abolished severe methods of discipline; provided the prisoners with better and more varied food; increased ventilation in cells and work rooms; and added shower baths for prisoners' use. Convicts accepted these improvements by reducing the number of cases requiring discipline by fifty per cent.

The most controversial use of the power of the office, and probably the achievement of which Governor Hadley was most proud, was the paroling of boys sentenced to the state penitentiary. Investigation revealed almost five hundred boys under twenty years of age being housed in close association with hardened criminals; some were very young and had been sentenced there for minor offenses. He was able to accomplish some segregation of prisoners, and with the help of his pardon attorney, Judge Charles A. Denton, "established a system of paroling juvenile offenders to responsible citizens who would

⁵⁰Ibid., p. 10.

give them employment and be responsible for their conduct."⁵¹ Through increasing criticism, Hadley thus paroled about three hundred of these young offenders; and examination showed that ninety-six per cent had kept the terms of the parole up to the time the governor retired from office. The parole commission, for which he asked to take this responsibility from the governor, was established under his successor.

The records of Missouri show that many other recommendations of Hadley, and denied him, were accepted by the state within the next fifteen years. His successor, Democrat Elliott W. Major, had worked closely with Hadley during his term of office and developed much the same program as that advocated earlier by Hadley. Major, and those immediately following him, placed many of the Hadley measures in the Missouri statutes.

A Public Service Commission, Corporation Franchise Tax, General Inheritance Tax, Income Tax, Workmen's Compensation, simplification of criminal procedure and other matters of importance were among the subjects of the recommendations which during his term of office met with no legislative approval, but public opinion was increasingly persistent in behalf of the views promulgated by the Governor and legislation has been enacted accordingly, except as to the simplification of criminal procedure . . .⁵²

Aside from these measures, he was long admired for his use of influence to keep the state university away from political control and his constant efforts for more appropriations and state aid for educational facilities of the state.

⁵¹Ibid., p. 10.

⁵²Ibid., p. 11.

The political turmoil precipitated by Theodore Roosevelt reached the Missouri Republicans and Governor Hadley in 1912. As organization for the presidential elections was begun, Hadley's influence was obviously directed toward the election of delegates for Roosevelt, since the "conservative" Taft or the "radical" La Follette would weaken the position of the party in the state. Furthermore, Hadley had always held a definite personal regard for Roosevelt, and was among those personally communicating with him in behalf of his acceptance of the Republican nomination in 1912. Officially, Hadley was one of the seven governors to sign the governors' call, one of the most publicized communications purporting to show the public demand for his declaration.

Roosevelt made Hadley his floor leader at the Chicago convention, and it was there that, through the emotional process of seating delegates and ascertaining the support for each candidate, Hadley gained the confidence of the convention. Even Taft delegates capitulated to his manner. Possibilities most often mentioned as compromise candidates were Hadley, Elihu Root, or Charles Evans Hughes; but it was Hadley who received the demonstration from the convention on its second day, much to the consternation of fervent Roosevelt followers, who were able to transfer the emphasis from Hadley to Roosevelt only after some minutes. Roosevelt was not willing to compromise, and received from Hadley assurance that his name would not be put before the convention.

Whatever were his motives, Missourians, as well as many others, believed that had Roosevelt been disposed to withdraw in favor of Hadley, the principles for which Roosevelt stood would have triumphed in the nomination of the Governor. It seems that the key to a compromise on Hadley was in the hands of the Colonel.⁵³

Taft was nominated and the Progressives bolted the convention. Hadley felt that due to the situation of the Republican party in Missouri, he could not follow Roosevelt or support a third party movement, for in Missouri the Republicans and their platform were Progressive. The third party movement, however, made its way into the state, resulting in a split in the Republican party and the return to power in 1913 of a full Democratic compliment.

Perhaps Hadley's health would not have permitted him to carry out the strenuous duties of a national office, but there were many Missourians who felt that their Republican governor might have had as much to offer the nation as a whole as he had contributed to the growth of his state.

⁵³Miller, The Missouri Historical Review, XXII, No. 4 (July, 1928). 433.

CHAPTER V

THE COMPARISON AND CONTRAST

Each state in the Union felt in some way the pressures involved in the drive to deliver the government once more into the hands of the people, to control the concentration of capital, and to find some method by which each individual would be protected against the power of concentrated wealth. As one compares such legislative changes that took place in Kansas and Missouri, one again must consider the fact that we are comparing two different states, being led by two different personalities with slightly differing political philosophies. Although both were positively influenced by Theodore Roosevelt, they had to choose different segments of the Roosevelt program in order to solve the problems they found foremost in their state. In Kansas, the problems for which Governor Stubbs was seeking solutions were primarily those of regulating corporations and obtaining direct legislation for the people. Governor Hadley's concern was for home rule in the cities and restriction of wealth by taxation in order to meet the revenue needs of the state. Both programs were initiated under the label of Progressivism and were amazingly similar when one considers that Missouri had had more years of governmental experience than Kansas, was a great deal more

populous and urban, and had an even wider variety in climate and inhabitants than did Kansas.

Both Governors Stubbs and Hadley had been the first to receive nomination and election by the people in state-wide primaries, the laws in each state being first ready for operation in 1908. This was an important step in breaking the hold of the political machine on politicians, in that the people, rather than machine controlled conventions, nominated candidates for state offices. These primary election measures apparently operated efficiently for no major changes were recommended during this period. The recommendations for an amendment made by Governor Hadley in 1911 were probably due to the problems of strong machines remaining in power in St. Louis and Kansas City, as well as to the fact that he was not entirely convinced that the individual citizen could handle the responsibility of a direct choice. Meanwhile in Kansas, Governor Stubbs was completely convinced of this fact, even though his efforts in this direction were for the most part unsuccessful. The Massachusetts Ballot was an especially popular election amendment in Kansas during the 1909 session of the Legislature and there was great hope that this measure would pass. It was a plank of the Democratic platform in 1910, but was not found acceptable by the Legislature. Missouri did not give it serious consideration.

Governor Hadley had been against the initiative and referendum propositions for Missouri, as had the Republican party. However, it had been accepted by the people in 1908

and he was instrumental in obtaining the passage of the necessary legislative machinery to enable the use of these by the people of the state. He used this method for ascertaining the will of the people in 1910 on the prohibition amendment and one might suspect other political objectives in his actions, such as the acceptance by the people of his recommendations on home rule and on the re-districting of the state in favor of his party. An actual change of opinion is not indicated in light of his suggestion that the primary be limited to only a few of the major state offices.

Governor Stubbs had spoken for initiative and referendum throughout his ten year political career, but the Kansas legislatures would not accept the propositions to submit them to the people. For such constitutional amendments, a two-thirds majority was required in each house before submission to the people. The 1911 Legislature passed the measure, but the Senate lacked the two-thirds majority, and this was its nearest approach to success.

The recall was less popular in both states. One found it brought up in Missouri with little hope of passage, and it always received fewer affirmative votes in Kansas than the initiative and referendum. However, Kansas, in 1911, passed an Ouster Law, which would aid in the removal of recalcitrant public officials by court proceedings. This was far from recall, but would fulfill in part the problems arising from lack of any such law. These laws were meant

to be a check, not necessarily to be used often, but to insure proper conduct in office.

This was the time during which the national drive toward the direct election of United States Senators culminated in the successful amendment to the federal Constitution. The Kansas primary law provided for the nomination of the party candidate that was to be presented to the Legislature. Under the Folk administration, Missouri passed a measure providing for the nomination of the caucus nominees for the Senate. No change was made in the Missouri provisions during this period, even though Governor Hadley declared this method unconstitutional and asked in 1911 for the adoption of the Oregon Plan. Kansas, in 1911, adopted the Oregon Plan, providing for the people to nominate the candidates for the Legislature and to clearly indicate the majority's choice for Senator. Kansas also endorsed in all respects the fight for the federal Constitutional amendment.

Governor Stubbs recommended the passage of a presidential preferential primary law in 1911. It was not passed, apparently because the politicians considered only themselves capable of choosing the delegates to the national presidential conventions and intended to retain the right of choosing the national candidate themselves. This question was not a legislative issue in Missouri. However, Governor Hadley used his influence to try this kind of procedure in the Republican party in nominating the delegates to the 1912 convention, since it was his opinion that the people would elect Roosevelt

rather than Taft delegates. He had little co-operation, and the result was somewhat chaotic.

Woman suffrage was more an issue in Kansas than Missouri. There was a strong contingent representing a positive attitude toward such legislation at each session. They were successful in 1911 in acquiring the passage of the measure to submit the amendment to the people in 1912, and it was accepted. Missouri had the issue introduced in 1909, but it was not popular and not mentioned in 1911.

Political machines were the objects against which anti-lobby laws were passed in Missouri under Governor Folk and in Kansas in 1909 under Governor Stubbs. This measure at least gave publicity to those agents intending to attempt to influence the work of legislators. Corrupt practices laws, as such, were not passed in either state. Missouri had previously placed some limits on the source and amount of campaign contributions to the parties. Governor Stubbs asked for the submission to the state of a complete statement of all contributions and itemized expenditures, publication of these to be mandatory. The 1909 Legislature passed a measure requiring the submission of such a statement, but both sessions refused to make publication mandatory.

Missouri had the additional problem of corrupt election practices in Kansas City and St. Louis. Governor Hadley was able to acquire bi-partisan election boards for the cities, but could do no more toward making elections honest.

Kansas was not entirely backward in the passage of political measures. When Kansas passed a law in 1907 allowing cities of the first and second class to adopt the commission form of government, the cities hesitated until amendments were made giving them more control over their government. Therefore, the 1909 Legislature gave the people more control. Any city was given permission to adopt this form of government after a non-partisan vote of all the people, including women. Even more important, citizens in cities adopting this form of government were given the use of the initiative, referendum and recall as protective measures. With these additions many Kansas cities voted to adopt this plan. In Missouri, the 1911 session refused this form of government for Springfield and Joplin, but did appoint a commission to ascertain possibilities for cities of the third class to adopt such a form of government. Also, Missouri had the problem of home rule for the large cities which remained unsolved.

The attempts of the states to control the concentration of capital required a great deal of the Legislatures' time. Measures passed in this area not only had to solve the problem of concentration, but also had to cope with the related problems of forcing corporations to accept their share of the responsibility in providing their fair share of state revenue and to consider the welfare of individuals of the society. In Kansas particularly, during this period, the state control of public utilities was the great issue. The problem

was primarily with the railroads, but all utilities had the opportunity to ask and receive of individual consumers any rate they established. Limits were not considered in terms of a fair profit for stockholders, but more in terms of the largest possible profit. Over-capitalization was common and the consumer, not the speculator, was forced to pay the price. In utilities providing necessities especially for city dwellers, where no competition existed, the rate charged could potentially provide huge profits. That the state should take the responsibility of ascertaining a fair profit, and the rate to be charged that would provide this, was not questioned. The problem, then, was reduced to one of accounting. In order to set a rate considered fair for everyone concerned, the state needed honest accounts from the corporations. These they had not been able to obtain. The public utilities law, passed in Kansas in 1911, was fashioned to solve these problems by requiring honest accounting to the state or city commission and the privilege of anyone to register a complaint, resulting in an investigation, if rates were not considered satisfactory. Although this measure gave much of the responsibility to the city, the state commission was made available for supervision of state-wide utilities and problems arising in cities.

Missouri did not have state-wide control of public utilities; their measure was older and provided only for local supervision and control. Governor Hadley felt that the provisions of this home rule kind of measure were not

adequately utilized. The measure he had drawn for the 1909 General Assembly was such a good measure and so popular that there was considerable concern among Kansans that Missourians would have the state-wide commission before the Kansas Legislature could agree on terms. However, the popularity of the issue died in Missouri with the 1909 session. An indication of the great difference between the two states is shown in the fact that Governor Hadley, when recommending utilities legislation in 1911, stressed the necessity for conservatism and responsibility in such a commission. This shows how much stronger such corporations were in Missouri, in that the reassurance was necessary. In Kansas, where corporations were not so great a part of the economic system, the problem was considered to be amount of control, with the most possible preferred. It reached the point, before the measure was finally passed, that the corporations preferred regulation to not knowing the kind of legislation to be passed or when it might be passed.

Further restrictions of the railroad corporations were important parts of the legislative programs in each state. Governor Stubbs supervised freight rate reductions through both the 1907 and 1909 Kansas legislatures, important especially to the agricultural interests of the state, and bringing Kansas rates down to those charged in neighboring states. The anti-pass law of 1907 was not improved upon during this period, although attempts were made. The passenger rate was set by law at three cents a mile, but dissatisfaction had

forced the railroads to reduce the rate to two cents per mile on mileage books for five hundred miles. Other passengers paid the three-cent fare, and although this was discrimination in rates, no great issue developed over this. The Missouri court decision in 1909 stopped the Kansas drive for a two-cent fare law for the state. The 1911 Legislature passed no new legislation relating to the restriction of railroads other than that included in the public utilities law. This, of course, gave at least nominal control over the new issuance of stocks and bonds, and through its operation would perhaps allow the state to control over-capitalization.

When the court decided against the Missouri two-cent railroad passenger fare in 1909, it was thought that due to the extra length of the revision session, many restrictive measures would be passed in retaliation. However, railroad power over politicians showed itself in the Missouri Senate and nothing was done until 1911. The Forty-sixth General Assembly, passing over a state-wide utilities commission, made the desire to regulate railroads apparent. The Board of Railroad Commissioners was given the power to fix a maximum for passenger rates and an anti-rate discrimination bill was passed. These measures were meant to hold rates close to the two-cent fare, for which there was still at that time hope. Express companies were also regulated by this session, where before they had escaped with almost no restriction. The Railroad Commission was given authority to fix rates for express companies and to require delivery in cities. It was becoming

apparent that the states intended to protect the rights of the individual from the irresponsibility of a corporate body, the railroad, which up to that time had flourished and been aided in its growth by the protection of government. This was a definite indication of Progressive achievement.

It was under existing Missouri anti-trust laws that then Attorney General Hadley successfully prosecuted Standard Oil, Harvester and other trusts. The anti-trust laws of both Kansas and Missouri were passed before the turn of the century, indicating a Populist influence, and in Missouri apparently, could still be adequately applied. In 1909, a new more comprehensive measure was submitted by Kansas Attorney General Jackson, but not passed by the Legislature. However, Kansas did pass a measure providing for corporate receivers, showing that their intention was not to completely destroy corporations. Abuses would be corrected by the receiver, then the control of the corporation would once again be returned to its officers.

Kansas, once in each of these two sessions, evidenced its independence of spirit in passing rather broad restrictive measures meant to safeguard savings of the people. In 1909 they passed the voluntary Bank Guaranty Law, a relatively untried kind of law to place a guaranty on bank deposits in member banks. The bankers of Missouri were able to overpower a move for similar legislation in Missouri in the same year. However, the Kansas law was upheld by the Supreme Court and participation among the banks appeared to be

proceeding satisfactorily. Then in 1911, the same bank commissioner's office involved in the guaranty supervised the passage of the Kansas Blue Sky Law, a measure to protect investors from wildcat speculative operations by requiring a thorough investigation of a company before it could legally sell or advertise its stock in the state. The law was the first of its kind to be passed in the country. Similar Missouri legislation of the same year was limited in that the only requirement was an honest statement to be submitted, itemizing property correctly, before new corporations were to be chartered. It was the Kansas law that served as a model for legislation of this nature in other states.

The control of capital within the states also took the form of taxation as a means of inhibiting its gigantic growth. As we have seen, Governor Hadley's fight to tax business was unsuccessful. The same problem, the financial irresponsibility of a corporation, was a difficult one to solve in light of the control they had held over politicians. Corporations represented a great block of wealth that was able for the most part to escape the same percentage of taxation carried by the individual, because they could exercise influence in the proper circles. This was a pretty well established fact in Missouri, and Governor Hadley was not able to break through the influence. Kansas had already established its appointive tax commission in 1907 and the later legislatures co-operated quite readily to the less spectacular amendments. However, the general property tax and equal assessment

practices remained unchanged in Kansas, as well as in Missouri. Although many complained that this was not an equitable or an efficient method for raising state revenue, no better method was found acceptable. The Stubbs recommendation to derive all revenue from state-wide public-service corporations did not become a serious contender. Nor was Governor Hadley's repeated recommendation for the corporation franchise tax ever accepted by the Missouri General Assemblies during this period. Missouri did not establish its tax commission until 1917.

With government extending its powers in the regulation of many more public concerns and taking on more responsibility in the protection of the individual, there was as much need for increased revenue as there was need to control the concentration of wealth. All states were vociferously maintaining their right, over that of the federal government, to receive tax revenue from inheritances. In 1909 Kansas passed its inheritance tax law, which pleased almost no one, but it remained on the statutes throughout this period. Governor Hadley continued to recommend the extension of the Missouri law on collateral inheritances to include direct inheritances, but was unable to achieve this. Missouri brewers were powerful enough to prohibit any excessive changes in their degree of taxation. Both states passed laws to tax express companies at four per cent of their gross earnings. Both states in 1911 accepted the principle of a graduated income tax in ratifying the sixteenth amendment to the United States Constitution.

Still more stringent means of control were applied in the complete prohibition of certain businesses. Whether or not this was considered deprivation of private property without due process of law, several states felt that if a particular kind of business was not in the best interests of the state, they could legislate it out of legal existence. Kansas had already made the sale of alcoholic beverages illegal, but under Governor Stubbs the laws were strictly enforced and the 1909 Legislature made any sale of alcohol for any purpose illegal, as well as the sale of or use of cigarettes. Unfortunately leaders found it to be difficult to legislate the morals of the state and 1911 found the legislature releasing a measure of their control in giving druggists permission to sell liquor again, for certain purposes. Certain areas in the state of Missouri wanted this prohibition, but the urban population, center of brewery control, of course, had the majority that defeated the state-wide prohibition amendment in 1910. A state with as many liquor interests as Missouri would not easily submit to prohibition. However, we found that in both states speculation was prohibited completely when in the form of selling worthless stocks; also in both states, laws were passed prohibiting the operation of bucket shops, which were also speculative ventures. Kansas had always prohibited gambling; and during this period the gambling laws in Missouri were enforced to the extent that open gambling was forced out of the state. Not even the possible tax revenue that these usually wealthy operations might have provided would entice the

states to allow such ventures to prey upon the funds of their citizens.

Individuals in the field of labor had been gradually acquiring the passage of legislation of a restrictive nature that set standards for their working conditions and hours. The laboring people were finding that such legislation took a great burden from them in making their work safer and giving them a few extra free hours a week. Child labor laws had been recently passed in both states and were extended throughout this period. Kansas not only prohibited children under the age of seventeen from working in certain places, but added a truancy law forbidding their employment during the school term. Missouri's child labor laws became state-wide during the Hadley administration, and in 1911, the fifty-four hour week restriction for women in industry was added. The sentiment in favor of these laws was that these were the groups most needing added protection.

The laboring man was often found working long hours under dangerous conditions. After 1909, both Missouri and Kansas had a state factory inspector to enforce the safety and sanitary restrictions that were being added each session to the statutes. The inspector also had the duty of investigating accidents to determine the cause and set a penalty if there was indication of negligence. Previous chapters have indicated the nature of legislation along these lines for the purpose of making mines, factories and railroads safe for those operating their machinery. With all this danger, there

were many deaths and injuries, and the only method for a family to receive compensation for the death or disability of its breadwinner was for the heirs to be able to prove in court that the accident was totally the fault of the employer. Labor unions had sought legislation to set the liability in the hands of the employer and some means to compensate workers. In Kansas, the unions chose to ask for workmen's compensation and Kansas became one of the pioneers in this type of labor legislation. At the same time they adopted the federal employers' liability legislation relating to railroads and mines. Missouri, following the example of most other states, appointed in 1911 a commission to investigate employers' liability for their state.

The fight for better conditions was carried to the state institutions. Both states, under the direction of their governors, made vast improvements in the standards of the state penitentiaries. Cleanliness and daily diets were improved; disease decreased. The work of the prisoners was directed toward those endeavors that helped to improve their own surroundings. Missouri abolished contract labor, putting their prisoners to work on jobs for prison benefit rather than keeping their penitentiary sub-standard and self-supporting as it had been in the past. Governor Hadley also used his pardon power to its fullest extent in paroling juveniles and older men he felt deserving. In Kansas, the prison plants were made more efficient and more profitable. The operation of the penitentiary and the Hutchinson reformatory was placed under one

board of control for greater economy and efficiency. A hospital for the criminally insane was provided and in both states better care was taken of prisoners contracting tuberculosis.

Other institutions felt the same influence for improvement. In Missouri, Governor Hadley ordered the State Board of Health to inspect state institutions and their recommendations were carried out in so far as revenue allowed. Diets were improved by charging the counties more per individual. Kansas had established a board of control over all charitable institutions in 1905 and placed employees under a civil service arrangement, thereby reducing the political orientation of such institutions. Obviously, both states were doing more toward accepting their responsibility of adequately caring for state wards.

School systems in different states have always maintained individual differences, making them rather difficult to compare. However, a problem common to both Kansas and Missouri was that of securing properly qualified teachers for the classrooms. In 1911 both states passed measures relating to teacher certification, requiring more education to qualify a person for a certificate. In Kansas, subsidies were made available to high schools that would offer normal training courses and courses in agriculture and domestic science. One of the most idealistic aspects of Progressivism was the contention that the people must receive adequate education in order to fulfill their duty as citizens.

Therefore, we found both Kansas and Missouri enforcing to a greater extent the compulsory education laws and affording as many opportunities as possible to make education more accessible. In 1909, Missouri made provisions for night and summer schools to be maintained in their large cities; the 1911 General Assembly provided for agricultural high schools in each county staffed by teachers from the department of agriculture of the state university. But Missouri could not afford the luxury of state aid to weak school districts.

The year 1911 was a productive year for educational legislation in Kansas. The state expanded its compulsory school term to seven months and allowed aid for the districts that could not afford the extra two months. Especially for the rural districts, measures were passed making it easier to consolidate schools and to establish new ones, while permission was given for transportation to be provided free for the students. Free tuition to a large school was provided for those living in areas not having adequate high schools. Both states were attempting to raise the level of their primary and secondary education. In addition, Kansas was able to pass a measure providing for a limited system for pensioning teachers after thirty years of service, while Missouri refused to act affirmatively on a pension plan.

Appropriations to the institutions of higher learning were not changed appreciably in either state during this period. Already mentioned, was the fact that the Kansas City Star constantly deplored the fact that the vital interests

of the state, mainly the universities, were not more adequately endowed by the Legislatures. The 1911 Kansas Legislature made extra appropriations for new buildings on three campuses and approved plans for a state school of mines. Missouri, with its limited revenue, was unable to expand funds for higher education, but Governor Hadley increased the prestige of the institutions by using the expert knowledge of the personnel in his projects throughout the state. Robert M. La Follette had instituted this progressive practice of utilizing university minds in governmental work. The emphasis was perhaps a little different in Missouri, and definitely so in Kansas, where Governor Stubbs sent the professors directly to the people in an attempt to improve living conditions through direct contact with those who could instruct properly; but the extension of knowledge for more efficiency was the goal in each case.

Conservation received its due share of attention from both states. Missouri appropriated five thousand dollars for a Water Ways Commission in 1909; this commission was given credit for overseeing Missouri's navigatable streams with a nominal appropriation. New game laws were passed in 1911 with a ninety thousand dollar appropriation; recommendations of the forestry commission were not accepted, but a commission continued to operate. Reclamation bills were completely revised and extended to reach all necessary parts of the state with financing that would work no hardship on any party involved. In Kansas, at the same time, drainage laws were

revised completely, and provisions were made for work with the federal government in investigations for irrigation in parts of the state. A soil survey and seed growing experiments were provided with a thirty thousand dollar appropriation, and demonstration farms were allowed for each county. A forestry division was created, with an eighteen thousand dollar appropriation, to be under the supervision of the Kansas State Agricultural College, as were the above investigations. Kansas also completely revised its Fish and Game Department, which began work on conserving lakes and preserves as well as fish and game.

Both states took steps to attract new settlers by publicizing their resources in other states. Missouri's Immigration Bureau worked on private funds during the 1909-1911 biennium, and the law had to be changed in 1911. However, with a twenty thousand dollar appropriation and the new organization, there was hope that Missouri's resources would be put to better use. Governor Hadley himself acted as the state's best agent in advertising forest, farmland or mining possibilities in Missouri. In Kansas the Immigration Bureau was not successful in 1909, but the next session passed a bill establishing a Kansas State Conservation Commission which was to take over these duties.

It was also evident that the Legislatures of Kansas and Missouri recognized the significance of good roads systems. Missouri had an ample supply of laws and a highway engineer, but wanted to be able to apply the laws better.

In 1911, the year for many new road laws in each state, Missouri made all road taxes payable in cash, passed a compulsory drag law and provided for state aid to those counties interested in building permanent roads. They also passed a motor car registration measure, requiring motor vehicles to pay license fees that would be applied to the road fund for building new roads. The measure also made regulations for the use of the highways. Road districts were made easier to form and incorporate. After the passage of these laws, Missouri still had a great deal of local option in the matter of road building, but those counties not choosing to build roads forfeited their share in the distribution of the road fund. Generally speaking, Missouri road laws were in excellent condition.

Kansas passed the compulsory drag law and made the road tax payable in cash. Township road levies were increased and provisions were made providing funds for the building of sound bridges. In addition, the road laws of the state were completely revised in 1911. However, a motor car registration fee bill was lost in the Kansas House, after passing the Senate. Earlier, Kansas had been provided with a state engineer with no salary and this was not changed; but indications pointed to more practical road work throughout the state leading to much improved roads.

The fight against tuberculosis was carried on with greater efficiency in Kansas with the help of a strong new set of laws passed in 1909 which had been recommended by the State Board of Health. These laws, plus the plans made for a

new hospital for tuberculosis patients in 1911, placed Kansas up with other states in the prevention of this disease.

Missouri made arrangements for the formation of tuberculosis hospital districts within the state and had already provided a state hospital. Governor Hadley had in this case also used his influence, through the formation of a commission for improving health conditions in the state, in seeing that the State Anti-Tuberculosis Society was organized, thereafter working more efficiently.

In 1909, Kansas extended the duties of the State Board of Health to making sanitary regulations for public places and inspecting them to insure their cleanliness. The same year Kansas adopted the federal system of weights and measures, increased the usage of the pure food and drug law and made meat inspection more complete. They also added more requirements to those practicing medicine, veterinary medicine, dentistry and optometry. Pure food and drug measures were included in Missouri legislation of the same year, as were the fixing of standards for milk. Duly trained nurses of that state were to be registered and a medical association bill was passed. It was also in 1909 that Missouri passed its vital statistics bill, two years before such a measure was adopted in Kansas.

Neither of the governors received the legislation they asked for to remedy the delayed administration of justice. However, in 1909 Kansas passed a revised code of civil procedure. In 1911, Missouri formed a Supreme Court commission

to aid in clearing the appellant court records and a bill to fix the district where one might file suit against a debtor. It was interesting to note the passage of the widow's pension law in Missouri; a measure to aid mothers of children whose fathers were wards of the state. This was to be accomplished through the juvenile court. Governor Stubbs had strongly recommended a similar kind of legislation, paying of wages from penitentiary profits to the families of the convicts. Kansas would not consider this aid to those who, as claimed by Governor Stubbs, suffered the most from the crimes committed.

In summing up, it is evident that Progressivism was making decided changes in the legislation of Kansas and Missouri. The emphasis turned to measures benefiting the people rather than business. The people were given more influence in the choice of candidates and in legislative decisions. With more interest in direct legislation among the people, they actually became better informed and better able to fulfill the demands of direct legislation when it was granted to them.

When controls on railroads and other corporations were set, it was for the people that restrictions were made. The people were to receive adequate service from corporations at rates that were fair, with governmental supervision of rates and service in the form of utilities commissions or specific restrictions on certain corporations, such as those finally placed on the railroads of Missouri. Attempts were made to improve the quality of public education, public roads, and public health. Consideration was given to those least able

to help themselves in the improvement of conditions in state institutions; labor was aided with measures placing the responsibility for the safety of workmen on the corporation, or management. The individual or the common man was the recipient of the benefits derived from major Progressive legislation.

The subjects of legislation treated by the Legislatures of these two states in the corresponding sessions were in most cases the same; although the measures passed were not in any case identical. In both states business and political organization continued to show evidence of a great deal of influence on legislation; but there was also evidence of a struggle within the legislatures to find a compromise between unrestricted business expansion and unrestricted democracy. It was during this period of Progressive influence that the long era of business rule, in the form of unrestricted expansion, was brought to a halt, when government accepted the responsibility for protecting the interests of the individual. It was a period of awakening, for conditions demanded action. Leaders of the time undertook the task, for the first time in this country, of defining individual rights and attempting to obtain them for the people.

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A COMPARATIVE STUDY OF THE PROGRESSIVE LEGISLATIVE PROGRAMS
OF GOVERNOR STUBBS OF KANSAS AND GOVERNOR HADLEY OF MISSOURI

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ABSTRACT

In every state of the nation Progressives were making an attempt to recapture control of the government for the people and put responsible leaders in office in order to equitably solve the problems of imbalance between the business world and the people. The purpose of this study was to examine the legislative programs of two Progressive governors, to point out their accomplishments and compare or contrast their results.

In comparing the progressive legislation in Kansas under Governor Walter Roscoe Stubbs and in Missouri under Governor Herbert Spencer Hadley for the period from 1909 to 1913, one finds the subjects treated by the states separately to be very similar. In the field of direct legislation, Missouri placed into operation its initiative and referendum amendments, while Kansas attempted in each session, without success, to pass these measures. Recall, mentioned in both states, did not succeed in either. Kansas passed an ouster law in 1911 that partially fulfilled the promise of recall. Direct election of United States Senators was advocated by the governors of both states. Kansas, in 1911, adopted the use of the Oregon Plan and advanced the movement for a federal Constitutional amendment. Missouri did not change its caucus-primary system. Woman suffrage was considered in both

states; Missouri failed to vote on it, but Kansas voted to submit the amendment to the people in 1912 at which time it was accepted. After 1909 both states required the public registration of lobbyists. Kansas accepted the commission form of city government in 1907, and in 1909 extended it to include the use of initiative, referendum, and recall; Missouri, in 1911, refused this plan of city government for Springfield and Joplin, but appointed a commission to consider its use in cities of the third class.

Where before business had enjoyed unimpaired growth, legislatures now spent a great deal of time considering measures to restrict business and control the concentration of wealth. After a well publicized battle, Kansas, in 1911 passed a public utilities law providing a commission to control state-wide public utilities, with cities controlling local utilities. Missouri considered the adoption of a state-wide commission in 1909, but their municipal control measure continued in use. Such legislation was felt to be necessary in order for the state to prevent over-capitalization of corporations and insure fair rates and adequate service for the consumer. This was especially true with regard to the railroads. The courts decided against the Missouri two cent passenger rate in 1909, but both states continued to fight for a law to this effect; Kansas with its utilities commission and Missouri by giving its Board of Railroad Commissioners the power to fix rates and to prevent rate discrimination. Both states passed measures to tax express companies at four per cent. The anti-pass

laws were not extended. Kansas extended its freight rate regulations in 1909; Missouri set regulations in 1911.

A new kind of legislation, the voluntary bank guaranty law, was passed in Kansas in 1909. Bankers were able to stop such legislation in Missouri. The most revolutionary measure passed by Kansas was the 1911 Blue Sky Law to prohibit wild-cat speculative corporations from doing business in the state by a complete investigation of the financial status of each company. Missouri passed a very limited measure along these lines.

In the field of taxation, although Governor Hadley asked for a corporation franchise tax, a tax on direct inheritances, and more taxes on liquor interests, due to corporation control Missouri made no great increase in any of these areas. Kansas passed an inheritance tax law in 1909, of which no one approved but it remained on the statutes. Kansas made its tax commission more efficient during this period, while Missouri waited until 1917 to adopt theirs. Both states ratified the federal amendment for a graduated income tax in 1911. In 1909 Kansas passed measures making prohibition complete. Missouri used its initiative for a state-wide amendment to this effect in 1910, without success. Brewers in Missouri were strong enough to block this, as well as attempts at local option measures, and increased taxation. Also prohibited in both states were bucket shops and gambling.

For the benefit of the laboring people, laws were passed regulating safety and sanitary conditions in mines, factories,

and railroads; child labor laws were extended. Missouri set fifty-four hour week limits on women working in industry. Most important in this field, Kansas became the second state in the nation to pass a workmen's compensation law. Education was made easier to acquire in both states. Conservation and immigration were strengthened and much attention given to the building of good roads in each state. All state institutions were given attention so that conditions and environment might be improved. State Boards of Health received increased authority, the anti-tuberculosis fight gained in strength, and more use was made of pure food and drug laws, federal systems of weights and measures, regulation of professions and vital statistics laws. In the legal field, Kansas passed a new code of civil procedure and Missouri added legislation, also recommended by Governor Stubbs, whereby the juvenile court pensioned "widows" of prisoners so they might keep their families together.

The emphasis in the kind of legislation passed was that it might benefit the people. The power of politicians and corporations remained evident behind the scenes, but one can see that some anti-business measures, and strong ones, were passed.