

No issue, national or local, should ever divert the attention of the people from the one great aim of all political action—good government.

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**THE LEGISLATURE.<sup>1</sup>**

**105. Prelude.**—Kansas has the usual machinery for making laws—two legislative houses, called the House of Representatives and the Senate. Together they form the Legislature, and they are often spoken of as the Upper House and the Lower House. The number of members is regulated by law and conforms to the State Constitution, which provides that the number of Representatives shall never exceed one hundred and twenty-five, nor shall there be more than forty Senators. (See paragraph 48.)

**106. Representation.**—Members are elected in what are known as Senatorial and Representative Districts, the boundaries of which are determined by the Legislature itself. One member only can be elected from each district; and the citizens of one district cannot vote for members in other districts.

**107.** The *Senatorial Districts* are made by combining counties, except in the case of counties having unusually large populations, when the county is made the district. This is true of fifteen counties since 1886.

**108.** The *Representative Districts* are made by combining townships, or wards of cities, or both. Each

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<sup>1</sup> See Article 2 of State Constitution, page 147.

organized county casting not less than two hundred and fifty votes at the general election next preceding the apportionment is entitled to at least one Representative. An organized county casting less than two hundred votes is attached to the county east of it, and forms part of such county, for purposes of representation.

Except so far as population controls in a general way, there is no special rule governing the limits or boundaries of Legislative Districts; except that each Representative District must lie wholly in the same county, and except also that the political party in power, when any new districts are to be made, or the boundaries of old ones changed, generally tries to make such divisions as will secure its majorities in district elections.<sup>1</sup>

**109. Qualifications.**—No one is eligible to a seat in the Legislature unless at the time of his election he is a resident in the district for which he is elected, and is a qualified voter there. No member of Congress or officer of the United States, and no one who has been convicted of embezzlement or of misuse of public funds, can sit in the Legislature.

**110. Term of Office.**—Senators serve four years, and Representatives two. The elections of the former come in what are known as the presidential years, that is, the years in which Presidents of the United States are elected. Representatives are elected in each alternate year, in what are called the “even” years.

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<sup>1</sup> This is especially true when the State is to be divided into Congressional Districts. To divide a State in a way which is unnatural and unfair, for party purposes, is called “gerrymandering.”

**111. Sessions.**—All sessions of the State Legislature are held at the State capital; and all regular sessions are held once in two years, in the "odd" years. The regular session opens on the second Tuesday in January. Each member is allowed three dollars for each day's actual service, and fifteen cents for each mile of necessary travel in going and returning; but the total allowance for service cannot exceed one hundred and fifty dollars for each member. If the session lasts more than fifty days, therefore, members sit without pay. In the same manner the Constitution makes provision for but thirty days in a special session.

**112. Regular sessions** are held by virtue of the law, and need no call. A *special session* is called by the Governor, at his own discretion, and is sometimes known as a "called session." *Joint sessions*, in which both houses unite and act as one, are held for the election of United States Senator, and may be held for other purposes by resolution of both houses. All sessions are open and public, unless special circumstances demand secrecy.

**113. Officers.**—Each house elects its own officers; except that the Lieutenant-Governor is, by virtue of his office, President of the Senate. The Senate elects a *Secretary* and an *Assistant Secretary*. The presiding officer in the Lower House is called the *Speaker*. Among other officers and employees in each house are the *Clerks*, who have charge of all bills, resolutions, and other papers; the *Postmaster*, who looks after the mail of each member; the *Sergeant-at-Arms*, who preserves order, compels the attendance of absent members when so requested by the house, and is a sort of general executive officer; the

*Doorkeepers*, who guard the entrance to the floor, or that part of the house occupied by members; and the *Pages*, or the lads who wait on members while the house is in session. With the exception of the Speaker, all officers and employees must be chosen outside the membership of either house.

**114. Method of Business.**—Either house is organized when members have taken the oath of office, and the Speaker and Chief Clerk have been chosen and have qualified. Other officers are then elected. *Committees* are appointed by the presiding officer in each house, one for each general branch of business which will come before the Legislature; as, the Ways and Means Committee, to which are referred all appropriations and general expenditures; the Committee on the Judiciary, on Railroads, on Corporations, on Education, and on Federal Relations. There are also *Special Committees*, which have some one subject entrusted to them; the others being called *Standing Committees*, because they are at work on a given class of subjects during the entire session. When either house wishes a general discussion of any given topic, and a discussion carried on in a rather more informal way than usual, it frequently sits as a *Committee of the Whole*, under a Chairman selected for that occasion only.

**115.** Most changes in the statutes of the State, new laws, and special or personal acts, come before the house in the way of *bills*, *petitions*, or *resolutions* introduced by members. These are referred to the appropriate committees, which examine carefully into the purpose, form, and general desirability of the proposed legislation. These

committees may call and examine witnesses, and may use any and every lawful method for securing information and prosecuting investigation. They can thus accomplish much which, by reason of the size and character of the house, could not be reached in any other way.

**116.** From the committees, each bill comes back to the house in which it originated, for general consideration in the Committee of the Whole. This committee reports its action to the house, just as any other committee does. The house then accepts or amends the bill, and it is then *engrossed* (or written out carefully) for a third reading. Unless in case of emergency, each bill is read on three separate days in each house. This rule may be suspended by a two-thirds vote of the house while the bill is pending; that is, after it has been introduced and is under discussion. But on its final passage every bill must, under all circumstances, be read by sections. A majority of all the members elected to each house must vote in the affirmative in order to pass a bill.

**117.** Having passed in the house in which it was first presented, the bill is sent to the other house for its consideration. Here it may be concurred in as received, or it may be defeated, or it may be amended and passed as amended. In the latter case it goes back to the house in which it originated, to have the amendment concurred in or rejected. A "lock in legislation" occurs when one house will not agree to action in which the other persists.

**118.** Every bill passed by both houses is *enrolled* (copied carefully upon the official roll of legislative acts), signed by the Speaker and by the President of the Senate, and is then sent to the Governor. If he approves it, he signs

it. If not, he sends it back to the Lower House with a statement of his objections to it. The bill and the objections are then taken up and debated in each house by turn, and if passed in each by a two-thirds vote of all members elected it becomes a law. This is called *overriding a veto*. If the Governor does not return a bill within three days (Sunday not counted) after it is presented to him, it becomes a law, as though he had signed it. This rule has one exception; where the Legislature adjourns within three days, so that a bill cannot be returned, the bill fails. Sometimes, under this clause, the Governor withholds a bill till the Legislature adjourns. This is called a *pocket veto*.

**119.** The Legislature prescribes the time when its acts shall go into force, and has them published as soon as possible. No law of a general nature is in force until it has been published in some newspaper lawfully designated for this purpose, or in a volume, under the direction of the Secretary of State.

**120. Conclusion.**—The objects of legislation are almost without number, and are really limited only by the general welfare of the State in all sections and localities. Yet much is often attempted by the Legislature which should be left to individuals; and there are many temptations and opportunities to legislate either unwisely, in a partisan way; or viciously, in behalf of private interests. This creates in this department of government, as in all others, a demand for men of character as well as ability—perhaps, in certain senses, even more than ability. Integrity, intelligence, unselfishness—these are the prime characteristics of every wise and worthy legislator. It

may be added that when these requisites have been secured—not sooner—party belief may properly influence the election of members; but largely because the Legislature in joint session elects the United States Senator, who has a voice in determining the policy and course of the nation. Below this point all issues are local only, even though at times corresponding quite closely to party lines.

### THE JUDICIARY.

**121. Organization.**—The State Constitution provides that the judicial power of the State shall be vested in a Supreme Court, District Courts, Probate Courts, Justices of the Peace, and such other courts inferior to the Supreme Court, as may be provided by law. Under this last clause have been established the Police Courts in cities, and in some of the most populous counties, Courts of Common Pleas, or Circuit Courts.

**122.** The *Supreme Court* consists of one *Chief Justice* and two *Associate Justices*, who are elected by the voters in the State at large; that is, without regard to any special district. The term of office is six years. They appoint a *Clerk*, who has charge of all the records and papers of the Court; and a *Reporter*, who compiles and prepares for publication the decisions of the Court, with brief statements of the cases in which the decisions were rendered. There were three *Supreme Court Commissioners*, appointed by the Governor, from March, 1887, to March, 1893, who assisted in the general work of the Court, as so many

more Associate Justices. Their term expired in 1893. The Court meets at the State capitol on the first Tuesday in January and July of each year. Special and adjourned terms are held as a majority of the Court may direct. The greater number of cases tried by this Court are those which come to it by appeal from lower Courts.

**123.** *District Courts* are held in what are known as the Judicial Districts. Of these there are ~~thirty-five~~ <sup>thirty</sup>, created by the Legislature by combining certain counties. The statute also determines the times of holding the regular terms in each district.<sup>1</sup>

**124.** Each District Court has its own officers; that is, the Judge, the Clerks (one for each county), and the Stenographer. The chief duties of the *Judge* are to preside at all sessions of his Court; to hear and determine all cases submitted directly to him, and all questions of law in other cases; and to have general supervision of all cases submitted to a jury, as well as to instruct the jury as to questions of law arising in the same. The *Clerk* has charge of all papers and records of the Court, and is responsible for their safe keeping. He is elected by the voters in his county, and serves for two years. The *Stenographer* is appointed by the Judge, and at his discretion, and makes full stenographic reports of all the proceedings in any given case.

<sup>1</sup> *Court of Common Pleas of Sedgwick County.*—The work of the District Court in this county was so burdensome, and so much in arrears, that the Legislature of 1889 created a Court of Common Pleas, which should cease to exist on the 31st of December, 1891. The Judge was appointed by the Governor. The powers and methods of business were generally those of the District Court. At the session of 1891 a like Court was created for Wyandotte County, and one of similar powers, called the "Circuit Court," for Shawnee County.