
THE TOWNSHIP.

13. *Prelude.*—As soon as it was determined to open for settlement the territory which is now Kansas, the United States Government, by its survey,¹ divided the land into squares of six miles on each side, which were subdivided into thirty-six tracts, each containing one square mile. These latter were called sections, and each larger square—thirty-six square miles—was called a township. These divisions were made for the purpose of giving definite boundaries to the lands when sold.

14. The settlers found this method of division very accurate and very convenient, and have generally retained it in civil affairs. A municipal or civil township, therefore, is usually a square of land, six miles on each side.

15. In New England, the organization of each township is so complete, and its local government is so independent, that it has been said that if the National and State governments were destroyed, and all their officers removed, all local affairs would go on much as usual. In the Southern States the county system prevails; and the township, as a unit of government, is scarcely known. The Western States have very generally adopted what is known as the compromise system, in which municipal townships are granted many rights and privileges, but are, in a measure, subordinate to the county. In this State, nearly all local government is entrusted to cities, townships (under the compromise plan), and school districts.

¹ For further details, see chapter on Land Surveys.

16. Organization.—Each county, when organized, is divided by the County Commissioners into suitable and convenient civil townships; and the Commissioners have power to organize new civil townships, on proper petition from the citizens of such townships, and after due notice of their proposed action. Each township thus organized becomes a body corporate,¹ or legal person, and, as such, may appear under its own proper name in suits to which it is a party, and may make all contracts that are necessary and convenient for the exercise of its corporate powers.

17. Elections.—The annual township election is held on the Tuesday next succeeding the first Monday in November, in each year. Unless divided by law, each township constitutes an election district, with one polling-place, or place where votes may be cast. The Australian Ballot Law,² so called, provides that the Township Trustee, at least five days before the day of any election, shall appoint three judges and two clerks, who shall be of opposite political parties, and from the parties polling the greatest number of votes at the last preceding general election. These officers must qualify at least one day before the day

¹ Counties, townships, and cities are called public, or *municipal*, corporations. School districts are called *quasi* corporations.

² Former editions of this work contained at this place a full statement of the manner of conducting elections according to the laws then in force; but much of this was changed by the act known as the "Australian Ballot Law," which took effect in April, 1893. This new law will be found in the Session Laws of 1893, as Chapter 78, page 106. It is too long, and contains too many details, to be fully stated in this work. It ought, however, to be carefully read and studied by every one who desires to vote, or who wishes to maintain the purity of our elections. A few features of the act must suffice for our present purpose.

of election. If any of said judges or clerks become disqualified to act, or fail or refuse to appear and serve at the proper time and place, the electors present shall select from their number *viva voce* proper persons from the different political parties to fill such vacancies. On the morning of election day the election officers carry the ballot-box, and a copy of the Compiled Laws, to the polling-place. At eight o'clock the polls are declared to be open; that is, the judges will then begin to receive votes. Every male person possessing the qualifications prescribed by the State Constitution is entitled to vote.¹

Under the Australian Ballot Law, all ballots cast in elections for national, state, district, and county officers, and all ballots cast in township and city elections, are printed and distributed at the expense of the county, except those cast in cities at elections held for city purposes, which are paid for by the city. The names of all candidates for offices to be filled at the same election must be printed on the same ballot. Certificates of nomination, or nomination papers, for all candidates for office, whether nominated by conventions or becoming candidates at the instance of individual citizens, must be filed as follows: for State officers, and officers for districts greater than a single county, with the Secretary of State; for city officers, with the city clerk; for all other officers, with the county clerk. Full provisions are also made for ballots for other propositions, as voting for bonds, and the like.²

¹ For qualifications and disabilities of voters, see Constitution of the State of Kansas, Article V., page 154.

Sections 5 to 9 of the law relate to nominations, certificates, and filing the same. Section 10 relates to "objections," which may be made before ballots are printed. Sections 11 to 17 relate to the form

All persons in the service or employment of any person, company, or corporation have the absolute right to two hours on election-day to attend the election, without any deduction of wages. The judges and clerks of the election make returns to the county clerk, under the general election law, of the ballots, and one copy of the poll-books. Electioneering within one hundred feet of any polling-place, and any interference with or hindrance of any elector, are forbidden under penalties. Other sections of the present law prescribe penalties for willful destruction of ballots, or any frauds or willful neglect of duty on the part of any officer or other person respecting any duty under the election law.

Another act was passed by the legislature at the session of 1893 to prevent "corrupt practices at elections."¹ This act prohibits all bribery or purchase of votes, and other corrupt practices, on the part of candidates or their friends. It also requires every person who is a candidate for office at any election to file with the county clerk, under oath, and within thirty days after the election, a detailed statement of all moneys loaned, expended, paid, or promised to be paid by him, or by any one for him, to secure or further his election. Similar statements are required from members of any club or organization who shall receive or disburse any money for election purposes.

of ballots, printing them, furnishing them to election officers, and the manner in which they are to be supplied to and used by electors. Sections 18 to 23 relate to the conduct of elections, to the voting booths, and to the marking of his ballot by the voter. Section 25 relates to the counting of the ballots after the polls are closed, the declaration of the number cast for each candidate, and the preservation of the ballots.

¹ Chapter 77, Laws of 1893, page 101.

18. Officers.—At each annual election the following township officers are chosen: a Trustee, a Clerk, a Treasurer, a Road Overseer for each Road District in the township, and as many Constables as there are Justices of the Peace. At each alternate annual election there are chosen, in addition to the officers already named, the Justices of the Peace to which the township is entitled—not less than two. These Justices hold office for two years; all other township officers for one year. All officers take the usual oath of office before entering upon their duties; and the Clerk, the Treasurer, the Road Overseers, the Justices, and the Constables give bonds. The Trustee, the Clerk, and the Treasurer constitute an *Auditing Board*, and no bill or claim against the township can be paid until allowed by such board.

19. The Trustee is a sort of general superintendent of township affairs. He determines the number and extent of the Road Districts, looks after the general pecuniary concerns of the township, is one of the judges of elections, has charge of the poor, contracts for the building of bridges, is the township assessor for the purposes of taxation, and, with the consent of the County Commissioners, levies the tax for township, road, and other purposes.¹ For his service as assessor, but for none other except as hereinafter specified, the law entitles him to receive pay.

20. The Clerk has charge of all records, books, and papers of the township, where no other provision is made by law. All these books and records, as well as those in

¹ Such as for payment of interest or principal of township bonds.

the custody of any other public officer, are always open to public inspection.

21. *The Treasurer* receives and pays out the moneys that may lawfully pass through his hands, under the general supervision of the Trustee and on order issued by him on claims and bills allowed by the Auditing Board. He must keep a true account of all receipts and payments, in books provided for the purpose.

22. These three officers constitute the *Board of Commissioners of Highways* as well as the *Auditing Board* for each township. The Trustee is chairman of this Board, and the Clerk is secretary. It meets on the second Saturday after the township election, and on the last Monday of April, July, October, and January in each year. It has general supervision of all roads and bridges in the township; and, to make this work more efficient, it is authorized to employ a general Superintendent. The statute expressly enjoins the making of permanent roads¹ wherever this is practicable; which is a long step in advance in this matter.

23. The accounts of all township officers must be presented to the Auditing Board for inspection and approval. These officers, when serving on this Board, are entitled to pay.

24. The same officers are the *Fence-Viewers* in the township; that is, they determine whether the fences answer the requirements of the law. For each day they are engaged in this work they are entitled to pay.

¹ That is, made with gravel, or macadamized, and well drained, etc.

25. *The Road Overseer* must inspect all bridges in his district and see that they are either safe for travel or are closed; he must carry out proper measures to prevent the spread of prairie fires; and he has general supervision of opening and keeping in good order all roads¹ under his care. He receives pay for his services, but not for more than fifteen days' work in each year.

26. *Constables* are the usual officers of the Justices' Courts. They may serve all papers issued by the court (and so may sheriffs), and they have general police power in the preservation of order, can act anywhere within the county in which they are elected, and can at any time call on citizens for help in enforcing the law. Their fees are determined by law, and vary in accordance with the service rendered.

27. *Justices of the Peace* are, as the name implies, peace officers and judges in minor matters, both civil and criminal. Every Justice of the Peace must hold his office in the township in and for which he was elected. To give him the right to act, the case must arise in the county in which he was elected. In civil actions, except replevin and trespass, he can act if the amount sought does not exceed three hundred dollars. In suits for trespass, and in actions of replevin, a Justice has jurisdiction only

¹ Public highways, established under the statute. These are secured by petition to the County Commissioners, are generally located on section lines, and are not more than eighty nor less than forty feet wide, except in certain emergencies. The County Commissioners have power to improve roads whenever a majority of the landowners residing within half a mile on either side of the road, and between the terminal points mentioned in the petition, request such improvement. The expense is assessed on the tracts of land benefited.

where the damages or the property and damages claimed do not exceed one hundred dollars. He cannot act at all in a case where the title of land comes in question. Justices may try any person for a misdemeanor (*i. e.*, an offense not punishable by death or by confinement and hard labor in the penitentiary) in all cases in which the fine cannot exceed five hundred dollars and the imprisonment in the county jail cannot exceed one year. They may perform the marriage ceremony. They keep a detailed record of all their proceedings in a book called a docket. For all services they are paid certain fees, determined by law.

In all civil cases tried in a Justice's court, either party may demand a jury. This is composed of six men, unless the parties agree on a smaller number. In criminal trials for misdemeanors a jury of twelve men may be called either by the complainant or the defendant. If no jury is called, the Justice may try the case.¹

28. Conclusion.—The duties of township officers are not very burdensome; but they call for integrity, tact, and shrewd common sense. It is not easy to understand why partisanship should have any weight whatever in the choice of these public servants. The best conduct of public affairs is all that is sought, and good citizens should be content with nothing short of this.

29. It is not difficult to see that with the district and township governments alone, very much could be accomplished. With good schools, good roads, efficient peace officers, and courts in which may be tried by far the greater number of disputes and misunderstandings, the community can thrive and dwell in almost unbroken peace.

¹ See chapter on Judiciary.

Within these limits men feel the direct results of the machinery of government which they set in motion. Beyond these, the impression is but slight, decreasing in intensity through the county and the State,¹ and for the great mass of men almost entirely dying out before the General Government is reached.

30. To these home matters, therefore, should be given most careful thought, and most prompt, efficient, and independent action.

THE COUNTY.

31. Prelude.—The first Territorial Legislature, in 1855, established twenty counties; that is, defined their boundaries. To these twelve more were added before the admission of the Territory as a State. Others have been established at different sessions of the State Legislature;²

¹ A striking illustration of this is to be found in a comparison of officials, as follows:

Officers in School Districts number about.....	27,000
“ Townships number about.....	11,000
“ Counties number about.....	1,400
“ Cities, excluding Councilmen, about.....	900
“ State, including Supreme Court and District Judges, but excluding Legislature, about....	65

Again, the tax levied for the payment of all the expenses of the State government, including the support of all State institutions, is only about one-eighth of the entire amount of taxes levied and collected in Kansas each year.

² The number of counties in 1889 was one hundred and six. Garfield County was disorganized in 1893, leaving at present one hundred and five counties, all organized for county purposes.