INAUGURAL ADDRESS OF GOV. C. H. HARDIN TO THE TWENTY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF MISSOURI AT THE REGULAR SESSION, COMMENCING JAN. 6, 1875

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Inaugural Address of Gov. C. H. Hardin to the Twenty-Eighth General Assembly of the State of Missouri at the Regular Session, Commencing Jan. 6, 1875 by Missouri General Assembly

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MISSOURI GENERAL ASSEMBLY

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INAUGURAL ADDRESS OF GOV. C. H. HARDIN.

Senators and Representatives :

In entering upon the responsible duties of the Executive office, it would seem to be a first duty to acknowledge our reliance upon the great Author of all Good for wisdom in all that we may do, and for the health, peace and general prosperity of the people of the State.

Laws with which officers and people are familiar, and which are practically good ought not to be disturbed; only noted defects and inefficiencies should be remedied. Special laws are, to a large extent, baneful in legislation and should not be enacted except when absolutely necessary. Legislation is an expense especially dreaded by the people, because they do not see or feel the practical good of so much of it. They are quite right. With our present massive code of general laws, though to some extent defective, it would seem a waste of time and money for you to extend it.

It is estimated that the expenses of the Twenty-sixth General Assembly amounted to some $500,000 and of the Twenty-seventh to some $300,000, making a total of $800,000 as the cost of legislation for this State for the past four years, being an average of $200,000 a year. Is this rate of expenditure for legislative wants to continue? If so, then the outlay for the next ten years for this purpose will be $2,000,000, and our system of laws may be no better at the expiration of this time than now. Ought we not to economize and apply the money saved to the reduction of our immense public debt and to the progressive wants of the State? The spirit of the Constitution is for one regular session in two years. The practice for twenty odd years has been to hold annual sessions. The people have wearied of this, and I trust you will break the precedent and set an example to future assemblies of holding only a short regular session. Many hopes are centered upon you. Great reforms are needed and expected. A principal one is a short session. If you should disappoint these expectations there will be dissatisfaction. A protracted session will be objectionable to the people, an adjourned one especially obnoxious

Let us, therefore, consider and respect the wishes of those we represent. Prompt, efficient aad economical action will commend us to their confidence and respect.

It may be urged that you should hold an adjourned session next winter to make practical the work of the Constitutional Convention. I would not advise the anticipation of such labor. The contingency of an adoption of a Constitution or of the necessity of an immediate utilization of the matter thereof, if adopted, by legislation, is too uncertain to base such important action on. The Executive, or the Convention, by an ordinance to that effect, could convene the Legislature if the provisions of the new Constitution should be such as to make its presence urgent.

SALARIES AND FEES.

Complaints have been repeatedly made that they are excessive, and do not comport with the present value of labor and employment. I invite a consideration of these questions, and if in your better judgment you should believe that any of them should be curtailed, you ought to apply the legislation.

If there is any unnecessary office, clerkship, or employment of any kind, large or small, it ought to be dispensed with.

In this connection I would advise that the number of members of a grand jury be reduced to twelve, nine to be sufficient to make a true bill or presentment. This would reduce the expense one-third, and the body would be as efficient as, and perhaps more so, than the present maximum number of eighteen. It is the few who do the work at last. Besides this, their labors are only preliminary and initiatory, and their conclusions practically that of probable cause. One person of proper mould of character, judgment and independence, would do the work just as well as a full panel, but as such an one cannot often be found, we take a larger number to insure wisdom, and surround it with secresy to make it independent. Although there is a strong sentiment in favor of it, I am not for the abolition of the system, but for its decreased number as suggested. As it now is, it is unnecessarily cumbrous and expensive, and it ought to be reformed as suggested, if it can be done without affecting its efficiency, or jeopardizing the administration of justice.

CHARITABLE INSTITUTIONS.

These were established for the noblest of purposes, and our State, enjoying as it does, the highest degree of Christian civilization, cannot afford to neglect the proper objects of her charity. Neither can she, because of the great stringency of the times, extend their capacity,

or establish other institutions of the kind. The present ones ought to be provided with every needed and efficient appliance. Without this they cannot be conducted as they ought to be, most success fully. But while this may be said, still rigid economy must be observed in their management, and derelictions of duty in this or other respects held to severe accountability. The highest moral and civil trusts are confidingly committed to the managements of these institutions, and those who conduct them should attain the highest possible success for the means employed.

Under the present law it is incumbent on counties sending insane persons to the asylums to pay the charges. Periodically the accounts are sent to and allowed by the county courts, and warrants on their treasurers are issued and delivered to the proper officers of the asylums. These warrants, with those of individuals, are paid in the order of presentation. I am credibly informed that the Asylum for the Insane, at Fulton, holds at this time over $33,000 in these warrants, and that a large number of the counties pay off their warrants very tardily, many of them not under a year or two after their issuance. As this is one main source of income to the institution, it is often hard pressed on this account for means of support. I would recommend the enactment of a law giving all such warrants issued after its passage precedence of payment; and also, the abolition of a law that gives the Governor power to direct the transmission of insane convicts from the Penitentiary to an asylum for the insane, for the reason that the presence of such has an uuhappy and injurious effect upon other patients.

WAR CLAIMS.

In order that those of our citizens who had not been paid for military services rendered, and for stores and supplies furnished during the late civil war, might be placed in a condition to recover the value of the same from the National Government, the last Legislature believing that Congress would, in due season, make appropriations for the payment of these values when duly ascertained, established a Commission to audit such claims. The Commission has closed its labors, and claims to the amount of $3,209,939.69 have been audited. On the allowance of each claim a certificate was issued to the claimant to the effect that the State would be indebted to him in whatever sum the United States government would pay to the State to his use. The certificate is definite, and its terms cannot be misconstrued. It imposes upon the State a mere trust, and no other obligation whatever. But it is said the Legislature may assume the payment of these certificates, and here is the ground of apprehension. To me there is

no cause whatever for anxiety, for I will not suppose that this, or any succeeding Assembly would, or could so far forget its duty as to assume for the State, the payment of these claims. The National Government and not the State, is the acknowledged debtor in such cases, and if the former refuses to pay them, the latter ought not. The claimants cannot, with any show of reason, ask for more of the State than what is contemplated under the present law.

ASSUMPTION OF COUNTY DEBTS BY THE STATE.

This subject has been largely considered by the people and the last House of Representatives, and the judgment of both has been against the assumption. In this I most cordially concur. Upon no principle known to me, nor upon any argument ever adduced within my hearing, could this or any Legislature justify itself in imposing these immense debts upon the State. To say simply that they are not debts of the State answers the whole proposition. Before this Assembly, as it was in the last, the proposition would be an impracticable question, leading to a prolongation of the session, and consequently to a heavy increase of its expenditures.

CRIME AND LAWLESSNESS.

The character of our State and people has been most violently assailed as being wanting in sentiment and efficiency for the maintenance of law and order. This was and is unjust. Missouri has been and is quite as free from the one or the other as any State in the Union, and her people and officers have been and are as solicitous for the preservation of the sacred laws of life and property as those of any community. It is the duty of the State, through her various officers, to cause the arrest of all violators of law, to grant them fair trials, and, on conviction, to have them punished according to the requirements of law. To effect this, promptness, energy and faithfulness are demanded of all citizens, and especially of those aggrieved, and of officers, juries and courts. No compromise should be made with or quarter given to crime. It should be pressed and pursued by all to final punishments. Officers and their aids should be held to strict accountability for failure in duty to arrest offenders and to hold them securely. As large numbers of prisoners escape from jail, the law should require the county court to inclose its jail within the precincts of a residence, and require the jailor with his family to live therein. Greater security of prisoners would be effected by it. As it is, jails, in a large number of counties, are remote from habitations, and being without guards, the prisoners either by their own ingenuity and strength, or with the aid of outside help, frequently escape. An

honest and faithful jailor occupying an adjoining room would be able generally to prevent escapes effected by force in this way. Of course this arrangement would be no special protection against overpowering mobs. In my recent service in the Senate I was for the abolition of the office of prosecuting attorney and restoring that of circuit attorney. I now think, after further consideration, that the former, though the most costly, is the most valuable officer. If the former were active, faithful and energetic, he would stimulate ministerial officers to duty, attend all preliminary inquiries into offences, gather all evidence tending to establish the charge, combine the better sentiments of the community in active support of the law, and protect generally by his influence and position his people from the commission of crime. In case of the circuit attorney, the counties in which he does not reside have no benefit from his services other than limited attentions to the grand jury and the prosecution of cases pending in court. Nor does he always do even this much, for often he fails to attend court, and the county, for the time being, has the benefit only of the formal service of a circuit attorney *pro tem.* A prosecuting attorney could make himself invaluable to a county, for I feel sure fewer offenses are committed in counties where energy, learning, power and determination characterize the officer than in those where there would be none if the circuit attorney system were in force, or where a weak influence is exerted in the community or in prosecutions.

At most the Executive himself can do but little directly in suppressing crime, otherwise than in offering rewards, and urging on all proper occasions sheriffs and other officers to effective duty within their proper jurisdictions. The tendency of offering rewards is to invite feeble and reluctant action where none are given. Officers must do their duty, whether rewards are offered or not. The laws must be executed by them from moral incentives, and not mercenary motives. Wherever the latter govern, crime will be of more frequent occurrence in the community in which the officers reside. If all the machinery provided by our criminal laws were vigorously and faithfully applied, offenses would not be so frequent, nor would mobs so frequently resort to summary punishment. Uncertainty and feeble execution of the laws not only promote crime, but give excuse to the formation of mobs. The cost and expense of criminal prosecutions are immense, and increasing annually perhaps. Citizens having the public good at heart should at once consider their duty and interest, and array themselves on all occasions actively in support of the execution of law, and press to their duty weak and inefficient officers. But one sentiment should prevail in every community—the certainty of arrest

of all violators of the law, and of their trial and punishment as it directs, independent of all personal and local influences and considerations. Whilst you ought to provide a reasonable secret service fund for the use of the Executive in cases of unusual acts of brigandage and outlawry, yet I would attach more value to the vigorous co-operations of officers and citizens for the general repression of crime, than to the limited benefits that may result from the employment of such a fund.

RAILROAD LEGISLATION.

The Board of Equalization of railroad property, which sat last May, found much difficulty owing to defects in the law, and incomplete reports of roads and county courts in discharging their duties. Final results, satisfactory to the people, were, however, reached. As it is the duty of the Board during this month to equalize this property for 1874, I would advise a very early revision of the law fixing such penalties as will coerce from courts and roads full reports of property, and such other particulars as will enable the Board to discharge its duties with facility. There were no returns made to the last Board by either court or company as to at least two roads, and with very few exceptions, there was not a return complete under the law from any source; nor could the Board act finally till returns came in in accordance with their orders. This detained the Board, and increased the expenses. Although we have some twenty-eight hundred miles of railroad, with an assessable value, including accompanying property of over fifty millions of dollars, the companies have as yet paid a very inconsiderable tax. It is the purpose of no one to oppress, or place unjust burdens on them; on the contrary, there is not a citizen who would not rejoice to see them prosperous and strong. They have been favored by the State and people for twenty odd years who have assumed and expended upon them in that time immense sums of money. Now, while every consideration of justice requires that their property should be assessable by the same rule of cash values and rates of taxation as individual property is assessed, many of them challenge the execution of laws enacted for this purpose, and yield to its enforcement only under imperative rulings of courts. At this time, and the future may develope others, there are important questions to be adjusted between the State and several companies as to the assessment and collection of taxes on their property. It is the duty of the Legislature to provide as just a revenue law for railroad companies as for individuals, and to coerce the payment of such taxes as may be levied of them, if they will not voluntarily pay them.

The Twenty-seventh General Assembly reduced passenger fare