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BIENNIAL MESSAGE

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OF

GOV. ALVA ADAMS

AND

INAUGURAL ADDRESS

OF

GOV. CHARLES S. THOMAS

TO THE

TWELFTH GENERAL ASSEMBLY

OF THE

STATE OF COLORADO

1899



DENVER, COLORADO  
THE SMITH-BROOKS PRINTING CO., STATE PRINTERS  
1899

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# BIENNIAL MESSAGE

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# GOV. ALVA ADAMS.

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At the close of the most genuinely prosperous year in the history of the state, Colorado is confronted with the problems of a diminished revenue, resulting from the lowest assessed valuation for many years. Against this decreased income are the natural demands of a growing, progressive commonwealth.

The auditor estimates the income for the next two years as follows :

Assessment of 1899, \$187,000,000		
2-8/30 .....	\$402,673	
Assessment of 1900, \$187,000,000		
2-8/30 .....	\$402,673	\$ 805,346
Insurance department.....		170,000
Secretary of state.....		100,000
All other sources.....		25,000
Interest .....		25,000
		\$1,125,346

Against this revenue he gives a list of charges aggregating \$1,356,752.61. This is not an encouraging financial exhibit, there is no room for extravagance

or doubtful expenditure. The more serious the difficulty, the more earnest must we be in seeking a solution. In our private business we reduce our expense account when it is greater than our income. The state must do the same. I know of nothing sacred in the business fabric of a state that exempts it from the conditions that regulate the finances of the individual. Retrenchment is not pleasant, but it is honorable, and under existing circumstances necessary. My first suggestion may be considered heroic, inasmuch as it is a remedy to be taken by the doctors themselves. It is that you only employ as many clerks and employees as may be necessary to do the work, and that they be not placed upon the pay roll until there is need for their services, also that you limit the time of your session to not longer than forty-five days; you have no senator to elect, no cause for delay. By concerted action and reasonable activity you can complete your work in forty or forty-five days. The original constitutional limitation was forty days, the second, third and fourth sessions of the legislature adjourned in that time; such action by you will save \$75,000. You will make a new record by adjourning before the last hour for which pay can be demanded; it will help in the present emergency and will be an example of patriotism that will be commended by the people.

I would abolish all salaries and per diems for all members of boards of control of all state institutions, actual expenses only to be paid. This would save many thousand dollars, and result in better service, as it is my experience that boards which serve gratuitously give more time, attention and interest to the institutions with which they are connected than where paid. It takes the positions out of politics, partisan workers will not seek a position without pay, and the appointing power can secure the services of those who have a special inclination or gift for the work.

In order to correct an abuse which is not uncommon, I suggest that where mileage is allowed an official that it be changed to actual cost of transportation, and that where an officer rides upon a pass no transportation charge whatever is to be allowed.

There is also an opportunity for retrenchment in many departments and branches of the state government. A few salaries could be reduced, but as a rule the pay is not excessive, but the work can be done with a less force. I think I am within bounds when I state that the average day's work by heads of departments and employees in this capitol from dome to basement will not exceed six hours.

If the servants of the state would give the same number of hours of competent service that are required of the employees of Daniels & Fisher, Morey Mercantile Company, Tritch Hardware Company, and others of the mercantile and industrial establishments of Denver and other cities, I am of the opinion that in most departments the work could be done with half the present force. In saying this I have no criticism for the employees of the state house; there never was a more worthy or deserving set of assistants; they do well and promptly what is assigned to them, and are not to blame if the yoke is easy and the burden light.

While the estimate of income for the year 1899 is arbitrary and forbids hope of any material increase, I feel that you will be justified in estimating the tax revenue for 1900 at fully twenty per cent. advance over 1899. My basis for this is a belief amounting to conviction that assessments will be increased to at least that extent. Twenty per cent. added to the assessment would yield \$85,775 additional income.

The auditor has suggested that the cost of the superintendent of public instruction be charged to the school fund, and that the expense of the land department be charged to the land account. It is proper, certainly just, that the proceeds from the land should

pay the cost of that department, but I should hesitate in asking the school fund to pay the expense of the department of public instruction, at least until we made some provision for the payment of the \$711,000 of interest and principal now due the school fund by the state for warrants which the state has repudiated.

The certificates of indebtedness, in the auditor's list of expenditures, includes \$26,974.12 of war indebtedness and need not be included, as it will be provided for in a different way. There are also some other items that are not imperative at this time. Taking these into consideration and paying heed to the suggestions made, you can bring the necessary expenditures within your income, but there will be no opportunity for fanciful financiering, and at best you will find it difficult to meet the growing demands of our state institutions for the year 1899.

The financial stress that disturbs our state is not the result of natural, but of artificial causes. Prof. M. G. Mulhall some time ago estimated the wealth of Colorado at \$1,146,000,000; this may be excessive, but even the most conservative estimate would place the value at not less than seven or eight hundred million dollars; yet the assessors of our state have taken an oath saying that the value is but \$187,000,000.

For some years there seems to have been a rivalry between county assessors to see which county could make the greatest reduction. I presume the real purpose was to protect their county so that it would not pay more than its share of state tax, but it looks like a contest in which each county was against every other county and all the counties against the state. County officials treated the state and its institutions as though they were enemies to be crippled or destroyed. Forgetting that every citizen had the same interest and was subject to the same duty of support of every institution, no matter whether he lived in the shadow of the capitol or in the remote corner of the most distant county.



Realizing the financial breakers upon which we were drifting I invited the county commissioners and assessors to a conference in the capitol on May 2, 1898. Having faith in the patriotism of our citizens I thought that a frank statement of the situation would awaken a spirit of state pride and that justice would be done. Many counties were represented in the conference and there was a general inclination to give the state its due by a reasonable increase in assessments, but the assessor of Arapahoe county intimated that he proposed to reduce his assessment ten millions more, and the assessor of El Paso county stated publicly that he would assess no one at more than one-third value, and that if by error any citizen of El Paso county was assessed more than one-third he had but to ask a rebate to receive it.

These statements from the two largest counties were discouraging, yet when the returns came in the counties outside of Arapahoe showed an increase of several millions. The assessor of Arapahoe county kept faith with his promise and reduced the assessment of his county the promised ten millions.

After learning of this great reduction the majority of the state board of equalization deemed it their duty as equalizers to make a corresponding reduction on property assessed by them. They reduced the value on railroads ten per cent., which has not helped the situation. Against this action I protested, believing that a horizontal reduction was illegal, whether made by county commissioners or state board. This theory is affirmed by the recent decision of Judge Riner.

To illustrate how helpless the state is unless the laws relating to county assessors can be enforced, I will give the assessed values of Arapahoe county since 1896. In that year the assessor made a return of \$163,874,160; this the county commissioners scaled to \$80,378,901. In 1897 the assessment was \$77,215,644; in 1898, \$66,905,437. To each of these returns

the assessor took a solemn oath that all property had been returned at full cash value. This great decline in face of the well known and boasted fact that the wealth of the county and state has increased enormously in the past few years. I have used Arapahoe county as an example because it is the largest, and further because the reduction was most serious, and the example set by the leading and capital county is naturally followed by counties of less importance. If there is no defense against a persistent decrease in assessments in the face of a certain increase in value, it is only a question of time when bankruptcy and dishonor will be forced upon the state.

You are the only law-making authority; you are the custodians of the state's credit and honor—the guardians of our state institutions. It is for you to determine whether our schools are to be crippled and the unfortunate denied their due. This is a legislative government, yet, at present, the affairs of the state seem to be in the hands of the county assessor; he interprets the law to satisfy his own purpose. As long as he assumes that right and defies the plain letter of the statute he has the state government and every state institution by the throat. The laws as they stand are clear and explicit, their provisions are ample. It is not new laws but the execution of what we have that is desired.

Colorado is rich, not poor; and it is not right that the representatives of state institutions should be compelled to haunt the state capitol and plead like mendicants for the support which state pride and humanity should supply without solicitation. In doing their work of education and humanity they must finance and figure with all the cruel economy of an insolvent. Under a statutory provision, fortified by a court decision, the legislative, judicial and executive departments are preferred creditors; after they are paid in full, our schools, asylum, prisons, etc., can have what is left and are expected to be as thank-

ful as Lazarus for the crumbs from the table of the rich man.

We must not forget that it is our institutions and the way we manage them that make the state. Our civilization will be measured, not by liberality to the legislature, the judiciary or the executive, but by the support we give our schools and the treatment we accord the unfortunate.

If our impoverished condition was the result of legitimate causes a new system of economy would be necessary, but as the hardship comes from thwarted laws of delinquent officials we look to the law-makers for remedy. If you can not provide for an increased revenue, then there must be a readjustment; even at the expense of the legislative, judicial and executive departments the schools must be maintained and the helpless must be cared for.

In the midst of plenty a failure to provide for our institutions will be a wrong to every child that is born to a heritage of culture and education; a wrong to every criminal whom our laws have placed in prison, and tenfold a wrong to those unhappy children of misfortune, the unfit, the insane, the blind and deaf, the helpless, and for whose care God will demand an accounting from states as well as from individuals.

It is, however, in your power to provide for the future. If it be your will that all revenues come from a direct tax upon real and personal property, then you must provide for the enforcement of the assessment laws. This can be done as suggested by the attorney general and auditor, by limiting the county levy. Or you can give the state board of equalization power to raise values and equalize as between counties. Giving this authority to the board it would be well to create a state appraiser who, under appointment of the governor, would be empowered to visit every county, examine property and assessment books, and report to the board of equalization for their information and guide in adjusting values.

If it be your desire that the homes of the people, their real estate, business and visible property, pay tribute to the state only upon one-fourth of its value, as at present, then you must find new sources of revenue. If such you seek, I suggest:

An inheritance tax, which wrongs neither the dead nor living. An income tax, that comes only from the surplus of affluence. Royalty upon corporate and municipal privileges. These are lines of taxation where the well-to-do and prosperous pay full tribute. So free from hardship would such a system be that I look forward to the day when the rich will voluntarily carry the burden of government, while the cottage of labor is exempt.

So anxious am I to see our financial stress pass away that I am more concerned as to results than methods, so they be fair and honest. Our schools and the institutions of the state are entitled to the pride and support of our people, and they should contribute to them with the same pleasure that we experience when promoting the happiness and well-being of loved parents or children.

The available visible income for the next two years is much less than the aggregate that is asked for by the different state institutions, and as the amount that you can give to each must depend in a measure upon methods of economy inaugurated by you, or upon new sources of revenue to be discovered and developed, it is impossible for an executive not gifted with prophetic prescience to determine the proper distribution of the funds that will be subject to appropriation. I therefore append a list showing the aggregate money asked for by all state institutions, and, when the full prospective income is ascertained, you can apportion it, having a first regard for those demands which are imperative rather than for those which are simply desirable.

There are several institutions for which I would like to ask special consideration, so that their usefulness and influence might not be impaired, but your

limited income forbids that I ask for what might deny to some other institution the power to provide for its absolute necessities.

If you will devise a system of equalization whereby every class of property will pay its true proportion of tax, you will become a model for the states of the Union, as nearly every state is laboring with the same problem.

As four million dollars are paid each year by Colorado for fire and life insurance, the laws should be revised so as to give the fullest protection to patrons and secure a proper return to the state for business transacted.

I suggest the advisability of creating a labor bureau, the chief of which should be elected and have control of all the industrial departments of the state government, such as labor commissioner, boiler inspector, coal mine inspector, mining inspectors, etc. Such a bureau would consolidate many allied interests, and, wisely administered, would be economical and effective.

Credit has been authorized beyond appropriations to the following:

Penitentiary .....	\$26,134 12
Reformatory .....	22,000 00
Industrial School for Boys.....	4,795 08

Good business reasons can be given by each for these overdrafts, and an early deficiency appropriation should be made to cover.

#### SPANISH-AMERICAN WAR.

For the first time in her state history, Colorado has been called upon by the national government for her quota of volunteers to do war against a foreign foe. Well may we be proud of the manner in which the sons of Colorado responded to this call to perform military duty. In every field of achievement they have displayed a soldierly dignity and valor that has

won the applause of the nation and filled with pride and affection the Colorado heart.

From the president, from Dewey, from Gen. Greene, from every man acquainted with the soldier qualities of the First Regiment, there come congratulations to Colorado. No regiment, volunteer or regular, was ever better officered, and no set of regimental officers ever commanded better men. It was their proud fate to be at the front when battle called, and they hold as a trophy the Spanish flag which a Colorado boy hauled down from the walls of Manila. Had the two troops and the battery of artillery which Colorado contributed been as fortunate as the First Infantry in meeting the enemy, I am sure they would have added to the glory of Colorado achievement.

In camp and upon field of battle the Colorado soldier has been a model and a type. Going into active service from farm, shop, store, mill and office, yet have their deeds and conduct been worthy of veterans. If the historian of the Spanish war seeks an ideal regiment, he has but to portray the career of the martial sons of the Centennial state.

Under the calls of the president for troops, Colorado furnished:

One regiment of infantry.....	1,311
Two troops of cavalry.....	167
One battery of artillery.....	109
One company of engineers.....	69
In all, 1,676 officers and men.	

The First Regiment was made up of the active National Guard, and, thanks to the vigorous, competent work of Adjutant General Moses, they were fully equipped with clothing, arms, blankets, tents, camp equipments and a very complete medical department.

At least ten thousand men offered their services to the state when the first call was made for twelve hundred troops. It was a sight that would fortify the faith of the most skeptical in the patriotism of our

people. Old men, who were veterans of a great war a generation ago, claimed it their right to fight for the flag—the Union veteran, because he had defended it then; the Confederate veteran, that he might atone for the past and prove his loyalty now; young men who had to set back their natal day to qualify; men from the mine, shop, farm, office; preacher, lawyer, doctor, men from every vocation, asked as a favor that they be permitted to carry a musket, and only happy when accepted, and then restless until started towards the land of the enemy. Indeed is the flag of our country planted deep in the loyal hearts of our people.

There being no funds available to pay the expense of mobilizing the militia, many patriotic citizens offered to supply the state with the cash needed; \$22,800.50 cash was accepted, as follows:

From the Denver Post.....	\$10,019 07
From Frank Adams.....	9,960 51
From J. K. Mullin.....	1,782 57
From W. C. Daniels.....	1,038 35

This money was used to defray cost of transportation, rations, supplies and pay of soldiers from the time they were called by the state to the date of their muster or rejection by the United States. For the above amounts certificates of indebtedness were issued. Certificates were also issued to the following:

Daniels & Fisher.....	\$3,231 03
C. S. Morey Mercantile Company.....	476 97
Colorado Midland Railroad.....	194 60
Midland Terminal Railroad.....	271 02

They having consented to accept certificates for transportation, supplies and services; in all aggregating \$26,974.12 certificates of indebtedness issued. Of this amount the government has paid \$3,836.21, which will be distributed among the holders of the certificates, leaving a balance on this account of \$23,110.91, which it will be your duty to provide for.

As this indebtedness was created under section 3, article XI., of the Constitution, you have but to provide by enactment that they be paid by adding the necessary amount to the four-mill levy allowed for state purposes; thus these patriotic debts can be paid without in the least touching the regular income of the state.

After the First Regiment, Infantry, and the two troops of cavalry were in quarters in Camp Adams, the United States mustering officer ordered that all muster rolls should date from May 1, while in fact it was several days after that date before the volunteers were examined and mustered in. The date having been fixed, the state could not pay after May 1; while the troops received government pay, they lost the difference between that and the two dollars per day which was the rate due from the state. I consider that our soldiers were morally entitled to pay from the state until the actual hour when they were sworn into United States service. Believing this I have had the adjutant general make up a list of those entitled to this pay. As it has been impossible to get the exact time of some of the companies, we have, in order that no soldier shall be wronged, estimated the amount due at the maximum, which is eight days, aggregating \$10,899.

There has also come to me some complaint to the effect that some soldiers of the First Regiment were, through mistake, overcharged for their uniforms. I have asked Col. McCoy to investigate this, and, if found true, they should be reimbursed. The United States may be to blame, but as individual soldiers can not press a small claim against the government, the state should pay and collect. Colorado can afford to be just, even generous, to such men as represent her honor upon the field of war. These amounts due our soldiers are subject to the same legal conditions as the certificates of indebtedness mentioned above, and should be provided for in the same way.



Claims have been made against the United States for all expenses connected with the call for troops, and in the event they are allowed and paid, the money can be used to pay the original indebtedness, but it will not be fair to our soldiers, or to those who advanced the money, to await the uncertain and problematical action of the government. You can pass the necessary authority to levy the tax, and instruct the board of equalization to reduce same should money be received from the United States before the board certifies the levy next fall.

#### NATIONAL GUARD.

As it required all of the able and willing members of the state militia to complete the First Regiment, the two troops of cavalry and the battery, it left the guard in a demoralized condition, with a few skeleton companies—practically no uniforms, arms or equipment. As every member of the governor's staff went to the front, as did most of the active officers, there was little spirit or enthusiasm left for the immediate formation of a new guard. In reorganizing I was not in haste, as I had hope of an early return of our soldiers, and dreamed that the veterans would create and command a new guard that would even surpass the glory of the old. In October this hope of an early return faded, and steps were taken by General Barnum to reorganize in a degree the state guard. John W. Browning was appointed brigadier general, and he is now at work, and will soon bring order out of confusion. Fortunately, there is no lack of material for a guard, as there are hundreds and thousands of young men, many with military experience and competent to lead, who offered their services and begged and implored to be sent to the front when war was declared, but, as the first opportunity was given to the militia, which filled the quota, these loyal men were not permitted to enlist.

There is a growing tendency to make the flag the vehicle of trade and partisan advertisement. While I am not averse to enterprise in advertising, the flag and the Bible should be held sacred, and I would suggest that it be made an offense to deface the flag with advertisements, portraits, names or party emblems. I commend the sentiment of General Grant, who, when being welcomed to his home at Galena, noticed a flag with his name. He stopped his carriage and ordered the name removed, saying that no name was great enough to be placed upon that flag.

In 1889 a law was passed providing for a memorial monument to be built in the capitol grounds and dedicated to the soldiers of 1861-1865. While nothing has been done to carry out the provisions of the act, it might be well to add a line of amendment, so that when built the monument will commemorate the soldier of 1898 as well as of 1861.

I am sure that the veteran will not object to having his glory twined and mingled with that of the sons of veterans. Each was equally loyal and brave, both were Americans.

#### LEADVILLE STRIKE.

This administration fell heir to the Leadville strike. As soon as possible after induction into office I went to Leadville in the hope that some adjustment could be made between the mine owners and miners. While not successful in this purpose, I decided that troops were no longer needed and ordered the militia mustered out of active service and sent home. The result justified my action, as the camp is prosperous and peaceable, there having been no friction or disturbance since the troops were withdrawn.

This campaign lasted from September 21, 1896, to about February 1, 1897. The entire cost was \$222,710.46, which was paid from the proceeds of \$223,000, four per cent., twenty-five-year bonds, authorized by the last legislature.

## COURTS.

Believing that the rights of litigants will be better conserved and that court conclusions will be more prompt and satisfactory with an increased supreme court than with the present system of two appellate courts, I suggest that the supreme court be increased to six judges, and that the court of appeals be abolished. The present judges of the court of appeals to be the new members of the supreme court for a time not less than their unexpired term as members of the court of appeals.

In the interest of economy I suggest the consolidation of the districts of the circuit court, and the reduction of the number of judges, where it can be done without serious jeopardy to the rights and convenience of the people.

While our varied interests may induce litigation, still nineteen judges appear to be more than necessary for a state with but half a million population.

I again call attention to the justice of making provision for the repudiated or so-called excess warrants; they may be illegal, but they are just debts paid for the support of state institutions, for salaries of executive, judicial and other departments.

A man who, by hiding property, should invoke the bankrupt law to avoid payment of debts, would be looked upon as dishonest. Shirking payment of honest claims by the state is as reprehensible as in an individual. God did not make one code of morals and integrity for the individual and another for states. Twice have our people voted against the payment of these obligations; only a misconception of the facts could have induced the negative vote, as I would pledge my faith in humanity that the citizens of Colorado would not knowingly repudiate a just and honest debt.

In the event action is taken, I would suggest that a commission be appointed to examine as to the validity of all warrants and report their findings to the people.

Municipal affairs of Denver should be administered by the city of Denver. It is due the state administration that it should be relieved of this responsibility, which is a disturbing element in state affairs. It is due to Denver that it rule itself. Any charter for the rule of our cities should provide for the operation of civil service principles in police and fire departments. Merit, competency and faithful service should not be ignored for purely partisan reasons.

Desiring to give Denver as near home rule as the statutes permitted, I selected as members of the board of public works and the police board, well known, competent, and respected citizens. I gave them no instructions but to uphold the law and give to Denver the best administration possible. In order that they might be free and untrammelled in the execution of their duties I have never meddled in the affairs of either board. Considering it no part of Denver's duty to maintain a political machine to advance either personal or party ambition, no patronage has been asked of them, not a single name presented or an application for place endorsed. The result has justified my policy of non-interference and proves that my confidence in the members of the boards was well placed, as they have given Denver an able, clean, non-partisan administration.

#### BOARD OF AUDIT.

The eleventh general assembly designated the governor, auditor and attorney general to act as a board of audit. It was the duty of this board to pass upon all requisitions for legislative printing, stationery and supplies, and for supplies, printing, etc., for all executive and judicial departments, and all bureaus connected with the state government.

No appropriations were made for contingent funds as in the past, but in lieu \$67,700 was set aside subject to audit of this board. It has not been a pleasant duty to the members of this board to examine into the requisitions of every state official for office supplies, stationery, stamps, etc., but they have performed the task to the best of their ability, resulting in a saving of many thousands of dollars compared with the old system of widely distributing contingent funds, and \$12,620.60 was turned back into the treasury of the \$67,700.

As this board has resulted in a large saving to the state, I would recommend its continuance. The board might be authorized to pass upon the printing of the reports of the various departments and branches of the state government. While these printed reports may be desirable, they are not always imperative; often they can be diminished in size and number, and some omitted entirely. As it is now, the matter printed and the size of the report is determined alone by the chief of the department. They are generally made up and sent to the printer without reference to any one, and naturally the public printer makes no protest against size. As a sample, one report printed in 1897 cost \$5 per copy in paper covers.

A visit to the storeroom in the basement will give some idea of the waste in reports, journals and public documents.

#### INSANE ASYLUM INVESTIGATION.

On September 29, the board of charities and correction visited the Insane Asylum, and after making a superficial examination, suggested some amendments in the management. As there had been some public criticism, Dr. Thombs, the superintendent, and Dr. Eskridge, the president of the board of control, appeared before the board of charities and corrections, and asked that a committee of their number be

selected to make a thorough examination of the Asylum. This request was granted, and a committee consisting of Mrs. Platt, Chancellor McDowell and T. H. Devine was appointed. The committee went to the Asylum, held sessions there examining witnesses and making such investigations as they deemed necessary. The typewritten testimony made a volume of three hundred pages. The result of the examination was a report condemnatory of the management. This finding was received by me on December 7. I transmitted a copy of the verdict and evidence to Dr. Thombs, asking him what reasons he had to present why the recommendations of the board should not be carried into effect. On December 20 I received a reply from Dr. Thombs by the hand of Judge Wells; this reply recited some particulars pertaining to the investigation, and protesting vigorously against the findings as unjust and unfair, and demanding a new inquiry which should be full and open, basing his demand for a review, or a new hearing, upon the ground that he had been denied access to the meetings of the board when they were examining witnesses who testified against him; claiming that it was his right to face those who testified to the detriment of his character and the management of the Asylum. With this statement and demand there came a request that he be relieved from duty, pending the investigation, as he could not attend to the trial and give proper time to the duty of superintendent, and that some one be appointed to take his place during the interim. On December 23 I acceded to the request of Dr. Thombs, relieving him from duty and appointing Dr. Hubert Work to take temporary charge of the Asylum as superintendent. In accord with section 384b, Mills' Annotated Statutes, I herewith transmit to you the testimony and all other papers relating to this investigation, and ask that you take early measures to give Dr. Thombs the full and open inquiry for which he prays.

## PENTITENTIARY.

There has been no increase in the inmates at this institution, 605 being the average number of prisoners for 1897-1898. The management has been careful and economical. Due to want of orders for lime, stone and brick there has been much difficulty in keeping the prisoners at work. There seems to be a general boycott against the material produced by convict labor. This has cut down the earnings, and necessitates large appropriations.

Two years ago the management asked for an appropriation of one hundred and ninety thousand dollars; instead of granting this amount, one hundred and fifty thousand dollars was appropriated for maintenance and ten thousand dollars for machinery with which to inaugurate a plant for manufacturing purposes, upon the theory that thirty or forty thousand dollars could be earned, which was to be added to the one hundred and fifty thousand dollars. The warden went east to investigate the different prison work shops, and from what he saw decided that nothing could be done with the ten thousand dollars, which was covered back into the treasury. This failure to earn any money, or to use the ten thousand dollars for maintenance, made necessary a credit of \$26,134.12 to carry the institution through the last fiscal year. The health of the prison has been good and the discipline remarkably so. When I have visited the prisoners no complaint has ever been made, unless a demand for regular work may be so considered.

I am opposed to prison labor that conflicts in any degree with free labor. First, upon principle; and second, because the machinery of organized labor is so effective that no market can be found for prison products that conflict without outside industry. Believing that the state owes it to convicts to give them employment, and that you owe it to the state that

they be obliged to labor, I wish to recommend the establishment of a convict farm. The employment of two or three hundred convicts in the raising of grain and stock can not in the least affect the price of those products and can not interfere with the rights of any citizen. I know of no other vocation to which so little objection can be raised.

In the Arkansas valley are several tracts of state land that can be utilized; where water can be arranged for. In arranging the details of such a farm it might be well to provide that, except for experimental purposes, the raising of fruit and vegetables be confined to the wants of state institutions. For sale, grain, live-stock and such crops should be raised that are not influenced in price by local conditions and markets, but whose value is fixed by world wide demand and markets.

After three years such a farm should be self-supporting. It can be made a great experimental farm, where the value and richness of Colorado soil can be demonstrated and the advantage of intense cultivation proven. Virginia established such a farm a few years ago; they placed upon it one hundred and fifty sick convicts and one hundred and fifty able to work. The report of two years ago showed it to be successful, it having maintained itself and returned to the state all but \$4,200 of the cost of the enterprise. This would give employment to several hundred of our idle convicts, convert a wild and worthless body of land into a very valuable property, and relieve the people of, perhaps, half the grievous cost of supporting this waste human product.

#### PARDONS.

Upon the recommendation of the board of pardons twenty pardons have been issued; two other pardons have also been granted without consulting the board—making twenty-two pardons in all of penitentiary inmates.



As a matter of information and comparison I herewith give statement of number of pardons granted by each state administration since 1882:

Governor Grant.....	40	
Lieutenant Governor Meyer (acting).....	3	43
<hr/>		
Governor Eaton.....	31	
Lieutenant Governor Breene (acting).....	9	40
<hr/>		
Governor Adams.....	19	
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I take occasion to express my gratitude to the members of the board of pardons for faithful and intelligent service.

I recommend the adoption of the indeterminate or parole system for the sentence and discharge of convicts. An intelligent conduct of this system will do away almost entirely with the necessity of pardons by the governor and will promote discipline and reformation. The benefits of this law should be denied those convicted of capital crimes, and the confirmed criminal who has been previously convicted. The principle is to consider the criminal rather than the crime.

Protection of society and reformation of the criminal are the purpose of law, punishment is incidental,

and revenge an unknown element in the code of modern civilization.

#### CAPITAL PUNISHMENT.

Two years ago capital punishment was abolished in Colorado. As yet it is too soon to give positive statistics as to the effect of this change upon crime, but certain it is that no more blood crimes have been committed, while trials have been more prompt, and punishment more swift and certain. Under the old law every resource of legal skill, every subterfuge and technicality, were enlisted to prevent the execution of the law.

The innate God planted protest against the taking of life, made court and jury unconscious attorneys for the defense in every murder trial. In this age no intelligent jury can be impaneled that does not contain from one to twelve men who are instinctively opposed to the death penalty. This results in modified verdicts, in divided juries, new trials, expense, and often in the ultimate discharge of the murderer and the defeat of justice. Even where the crime is so flagrant that conviction can not be avoided and the sentence passed and the death watch set, then comes the ingenuity of counsel, the inclination of the court to give the condemned the advantage of every doubt and technicality of the law, the appeal of the public, the pardoning power. An official conscience is not adamant when life and death are involved.

To illustrate the effectiveness of these influences, out of the twenty-five murderers condemned to be hung in Colorado since the building of the execution house in the penitentiary, thirteen have been reprieved by court or governor. Since the abolition of the death penalty there has been a great change in the execution of the law, and when criminals once learn the punishment is certain, they will hesitate before committing crime. If, with the positive assurance of

a life sentence for murder, we could take from the governor the power to pardon in case of capital crimes, murder would be a rare offense in our commonwealth. Nothing is so appalling to a criminal as certainty of a life sentence, with no hope of pardon. Under the old system the number who suffered the supreme penalty for murder was so small in proportion to the murders committed, that the hazard was rather inviting to the gambling instinct of the ordinary criminal.

I have not touched upon the moral side of this question, but I think that a candid investigation will convince even the man who has been most in favor of a gallows as a permanent state institution that, for the purpose of punishing murder and executing the laws, the repeal of the death penalty was the most forward step in criminal legislation that has yet been taken in Colorado.

#### STATE CANAL NO. 1.

The state having spent a large amount of money on the state canal No. 1, at Canon City, I would suggest that a committee be appointed to investigate the condition of the canal, so that state rights may be protected, providing it is deemed advisable so to do.

#### REFORMATORY.

The report of the Reformatory shows an average of one hundred inmates and a deficiency of \$22,631.08; \$14,378.96 of this amount was used to pay maintenance vouchers, drawn before the present warden took charge. Aside from the expense, the conduct of the institution has been as satisfactory as existing laws permit. The prisoners have been busy, discipline has been good, and their health phenomenal. No inmate has died from disease since the Reformatory was established in 1889.

The law should be changed so as to make it ineligible to ex-convicts and confirmed criminals, and

where such are discovered in the Reformatory there should be some method by which they can be sent to the Penitentiary. Sixty-eight known ex-convicts have been in the Reformatory during the past two years. This defeats the purpose of a reformatory, and if it can not be amended it is little more than a penitentiary and might be again merged in the state prison to the great advantage of the state income.

#### INDUSTRIAL SCHOOL FOR GIRLS.

After a somewhat volcanic experience, the Industrial School for Girls is now pursuing a career of quiet and usefulness. Since the present board of control took charge in July, 1897, no complaint has come from the press, the clergy, the inmates or the people.

The conditions surrounding this institution are not of the best and need amendment; but the management, consisting of earnest, conscientious citizens, is, without compensation of any kind, doing everything that the circumstances permit for these children of misfortune.

#### INDUSTRIAL SCHOOL FOR BOYS.

The Boys' Industrial School has had a year of progress. Conditions have improved, and it only needs means to make it a model school.

#### DEPENDENT CHILDREN'S HOME.

An examination of the work done by the Dependent Children's Home will show that no institution has done more real good, considering their limited means and inadequate facilities. It needs a home of its own to carry out the beneficent purpose of its managers.

The boards of control of the following institutions have served without compensation of any kind. I wish to express the gratitude of the state for their unselfish and able services:

Board of Capitol Managers.  
Board of Charities and Corrections.  
Board of the Home for Dependent Children.  
Board of the Industrial School for Girls.  
Board of Pardons.

BOARD OF CHARITIES AND CORRECTION.

I commend to your consideration the report of the Board of Charities and Correction. The members of this board have at all times been ready to sacrifice their time, comfort and business to fulfil their duties as prescribed by the statutes. They have held investigations of the affairs of the Industrial School for Girls, the Soldiers' Home and the Insane Asylum. All state institutions have been visited, and in all ways their influence has been for the betterment of state affairs.

DAIRY COMMISSIONER.

The dairy commissioner suggests the repeal of the present oleomargarine law, and a new law regulating its sale. Without having time to investigate, my first impression is to question the wisdom of this suggestion; especially as the reason given for repeal is that the law, being virtually prohibitory, its enforcement is impracticable. I certainly dislike to admit that the state of Colorado is powerless to enforce an enactment designed to protect its people from fraud and imposture, notwithstanding its violation is encouraged by the allied power of influence and corruption, under the direction of the oleomargarine ring.

I know that you can be depended upon to hold up the hands of officials in their efforts to maintain laws enacted to protect the people from bogus and adulterated food of every kind.

The commissioner states that "Colorado does not produce more than one-fourth of the butter and cheese

used in the state." This fact is a reflection upon Colorado intelligence, almost an impeachment of our patriotism. We claim to have an ideal dairy state, yet buy three-fourths of our dairy supplies from other states. The consumer is no doubt to blame, for if we demand Colorado butter we can get it. There is no limit to our pastures, no limit to the enterprising men who will be glad to build creameries, if the citizens will demand Colorado brands. This applies not only to butter, but to every line of Colorado-made articles.

I wish that I could make every housewife and every man in Colorado realize what it means to buy Colorado brands of food and merchandise whenever possible. The habit of buying home-made products is a great asset.

#### STATE ENGINEER.

The office of state engineer has been conducted with signal ability, and his report gives valuable and accurate information concerning irrigation and allied interests.

#### LAND BOARD.

The State Land Board has transacted a satisfactory business.

Receipts for the past two years.....	\$238,008 60
For 1895-1896 .....	231,561 96

A larger proportion than ever before has come from rentals. During 1895 and 1896, 41,980 acres were sold; average price, \$4.57 per acre, giving a total of \$192,013.16. This administration has sold but 12,148 acres, at average of \$14.71, a total of \$178,992. Most of the land sold during the past two years was the internal improvement and other state land—not school land.

There remains of school lands over three million acres—a princely heritage for the school children of Colorado.

During the past two years we found, by checking up books and by sending an agent to Washington, that there were due the state of Colorado two hundred and sixty-six thousand acres of land, instead of ninety-five thousand five hundred, as officially reported by the last register. Several expeditions were fitted out and sent into the newer portions of the state, where one hundred and forty thousand acres were located, leaving a balance of one hundred and twenty-six thousand still due, and which should be located with as little delay as possible, as the longer the delay the less the opportunity to select good lands.

There are some valuable tracts of school land that could be subdivided and leased to good advantage, providing a long lease could be obtained. I would suggest the time at which leases are limited be extended so that long leases can be given, with revaluation each five or ten years. This will bring income to the school fund and preserve the land.

BOARD OF ARBITRATION.

Aside from the strikes in the Baldwin and in the Lafayette coal mines, there has been little call for the services of the board of arbitration. So prosperous have been our large industries that little question of wages or hours has arisen to disturb the relationship between employer and employee. Yet the work and influence of the board justify its creation. The existence of such a board, the unquestioned character of its members, their willingness at all times to confer and respond to any call, have tended to preserve peace and harmony.

For the use of this board seven thousand dollars was appropriated; of this amount \$3,292.15 was covered back into the treasury. The total expense for two years was:

For salaries .....	\$3,685	25
Printing and stationery.....	22	60

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\$3,707 85

No member made any charge for traveling or other expenses.

STATE CAPITOL.

It was expected that the capitol would be completed before your meeting. The delay has arisen from the inability of the contractor to secure the quality of marble required—he being embarrassed by the cost and time necessary to open new and undeveloped quarries. The board has sympathized in his effort to open a new Colorado industry and has granted extensions. While the delay has been inconvenient, no injury results; upon the contrary, the less work done the less the amount of interest-bearing state warrants afloat. To finish the structure will cost sixty-six thousand dollars, and as there remains an ample balance of unexpended appropriation, no appropriation will be needed.

FOREST, FISH AND GAME COMMISSIONER.

The report of the state forest, game and fish commissioner is a very entertaining document to any one interested in game, fish or forests. Due to our protecting laws, there is a positive increase in the large game, notwithstanding the illegal depredations of Indians and others. He quotes an estimate giving the number of large game in Colorado as follows:

Elk .....	7,000
Deer .....	100,000
Antelope .....	25,000
Mountain sheep .....	7,000

Also a large number of silver-tip, black and brown bear.

The commissioner and his deputies have made an earnest effort to enforce the laws and naturally have been much embarrassed by opposition and criticism arising from a rather wide-spread idea that a game and fish law is designed for our neighbors and not



ourselves. Our streams are being populated with fish as fast as the capacity of our hatcheries permits.

With judicious laws, when enforced, our game and fish will be a valuable asset and Colorado long remain the paradise of the angler and huntsman.

#### COAL MINE INSPECTOR.

The coal mine inspector reports 4,174,037 tons of coal mined in 1898, an increase over 1897 in production of 608,377 tons. He places the coal area of Colorado at 18,100 square miles—an extent of coal fields as great as the combined territory of the states of Massachusetts, New Jersey and Delaware; more square miles of coal than has Great Britain, Germany, France, Spain—of all Europe, exclusive of Russia.

Taken in connection with our coal possibilities, our beds of iron, as illuminated by the statements of Mr. Carnegie and Mr. Gates and the prediction of the treasurer of The Colorado Fuel and Iron Company that in a few years Colorado will be the iron and steel supply market for the Orient, we may well be optimistic concerning the industrial future of Colorado.

#### BUREAU OF MINES.

No report has reached me from the bureau of mines, but the statistics in our New Year's papers prove that there has been no resting spell, no fallow days, in the mines. In the production of gold Colorado has passed all rivals. The aggregate of our mineral yield for 1898 is nearly fifty million dollars, the largest total in our history.

#### STOCK BOARD.

The state veterinary surgeon gives the inventory of live-stock:

850,000 cattle, at \$24.....	\$20,400,000
1,250,000 sheep, at \$2.50.....	3,125,000
125,000 horses, at \$30.....	3,750,000
50,000 hogs, at \$4.....	200,000
20,000 other animals, at \$2.50.....	50,000

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Making a total value of.....\$27,525,000

The breed of stock is improving. Due to the vigilance of the board and its inspectors there has been no Texas fever in Colorado for six years. Altogether the live-stock interests are in a very flourishing condition.

#### HORTICULTURE.

The secretary of the board of horticulture reports the orchards of the state to be in a satisfactory condition. Reports of county inspectors give 118,752 acres as the area planted in fruit, distributed as follows: Apples, 81,252; stone fruits, 22,920; pears, 6,250; small fruits, 8,330. This is an increase of thirty per cent. over 1897. The crop for 1898—forty-two thousand acres in bearing—was valued at six million dollars.

Though no appropriation was made for the purpose, an exhibition of Colorado fruits was made at the Omaha exposition. As prizes, Colorado horticulture received seven gold medals, twenty silver medals, sixteen bronze medals and diplomas. Considering that no assistance was received from the state a splendid showing was made and credit is due to the growers who contributed the fruit, to the express companies for transportation, and to all who contributed time and money. Considering the importance of the fruit industry and the work done, Colorado can not be accused of extravagance in its appropriation to the horticultural department.

## AGRICULTURE.

We have no bureau of agriculture, and no official report of its condition. We know that it has shared in the general prosperity, and experts estimate the value of field and garden product at forty million dollars.

I have not the time to take up the items which swell the aggregate of our riches, but wherever we look, whatever resource we investigate, we see only prosperity in the present and the prophecy of still greater achievement in the future. No where is there a sign of decadence, no hint of exhaustion; we are in the infancy stage of a great industrial destiny. Strangers marvel at the high degree of civilization so quickly attained; our cities, homes, churches, schools seem as marvelous to them as though called into life by the charm of a magic lamp; but it is no fairy story, it is real, genuine. The only cloud in the horizon of our youthful greatness is an impoverished treasury and that due entirely to artificial causes, to laws perverted and thwarted, and to officials who ignore their duties and obligations.

## EDUCATION.

The superintendent of public instruction reports the public schools in a satisfactory condition. There are 3,000 teachers in the public schools; 135,000 children of school age, and 104,733 enrolled.

The whole system of education, from the most remote rural school to the State University, is a source of pride to our people and well reflects the intelligence and enterprise of our citizens. The School of Mines has but few rivals and no superiors; it is recognized the world over as a technical school of rare merit. The State University ranks fifth among the great state universities of the United States, and is without doubt doing more good work considering the

cost than any other university. The Normal School has five hundred students and is sending out a class of teachers that is worthy of the intellectual aspirations of Colorado. The Agricultural College is giving a broad and liberal course of scientific and practical culture to three hundred young men and women.

Taking all of the departments of education and I am inclined to make the statement that Colorado gives gratuitously a wider opportunity of education than any other commonwealth or country. At three years of age the child can commence a three-year kindergarten course, then four years of primary grade, four years grammar school, four years high school, four years University; then, if disposed a three-years' professional course; then, should he decide to enter a mining career, the School of Mines offers its four-year course, while there can be an indefinite number of years post graduate work at the University. So, from the cradle to well into middle life, a student may receive educational advantages without cost, without even being a taxpayer, so he be a citizen.

#### OMAHA EXPOSITION.

No appropriation was made for a Colorado representation at the Omaha exposition, but, through the liberality of private citizens and the city of Denver, a limited exhibit was made. No official report has been made to me, but from private sources I learn that ninety-six gold, silver and bronze medals were awarded Colorado: Horticulture, seven gold, twenty silver and sixteen bronze; educational, one gold and four silver; Mrs. Thayer, for her department of ceramics, art and woman industry, twenty medals of gold and silver; the mining exhibit made twenty-eight entries and received twenty-eight medals; for the best general mineral exhibit, a gold medal; The Colorado Fuel and Iron Company, on coal, coke, iron, a gold medal; Denver Fire Clay Company, fire clay

and products, a gold medal; J. T. Hayward, model of gold mine, a gold medal; Denver Onyx Company and Colorado Onyx Company, each a silver medal.

#### SOLDIERS' HOME.

The Soldiers' Home gives shelter and care to one hundred and forty old soldiers. It needs increased hospital facilities and more room. Until these are provided it can not receive many old veterans, who should be the first care of state and nation.

#### STATE HISTORICAL SOCIETY.

A visit to the state historical rooms will be a revelation to the old resident. Through the generosity of friends it is already a historical collection of rare interest and value. It is filled with memorials and records of our early history. Here can be found much that pertains to pioneer times—the heroic age of our state.

#### UNIFORMITY OF LEGISLATION.

The Colorado board for the promotion of uniformity of legislation in the United States makes some suggestions that are entitled to your careful consideration. The purpose of this commission is to harmonize and unify the laws of different states, thereby saving litigation, expense and trouble.

We need no freak legislation. There is no crying demand for laws relating to bonnets, bloomers or foot ball. Let common sense rather than the statute regulate those things which have to do with the dress, habits, manners, creed and pleasure of the individual. You can not reform the world in one winter. Give your best thought to the execution of existing laws rather than to ill-digested novelties and experiments from the utopian brain of well-meaning but impractical reformers.

The ten commandments have not been repealed, and human happiness can be better conserved by their enforcement than by adding to them.

“Praise is a debt we owe to the virtues of others,” and in accord with that sentiment, I wish to record my appreciation of the faithful and honest service that has been rendered the state by every officer of the state government during the past two years. Personally I owe to each official and to every assistant and clerk in the state house my thanks and gratitude for uniform courtesy and kindness. As I surrender my official connection with them, I will carry into private life only the warmest sentiments of confidence and regard.

On next Tuesday I give place to my successor, and as I surrender the reins of authority, I congratulate you and the state that they are to pass into the hands of one so worthy. In Governor C. S. Thomas, Colorado will have a chief executive well equipped for every responsibility. His ability, experience and long years of loyal citizenship are guarantees that under his administration Colorado will take no backward step.

I take this last occasion to express my gratitude to the people of Colorado. To be chosen a second time to serve as their chief executive is a distinction beyond which the ambition of a son of Colorado can not aspire. The best efforts of a lifetime can not pay the debt I owe the people. While in office no time or attention has been given to private affairs; every thought and energy has been devoted to the welfare of the state. I have had no purpose, no ambition, but to promote the interest and the honor of the state. I regret that more could not be done; that mistakes have been made; that I have not been able to realize my ideals. My failure to equal the high standard I had set for my guidance must be charged to a limitation of ability, as I have given every power of mind, body and soul with loyalty and affection.

Ten years ago it was my proud fate to retire from office at a time when Colorado was in every relation of state life pulsed with a prosperity and happiness beyond what it had ever before known. Again it is my happy fortune to return to private life at the end of two years that have been noted for a continual and persistent growth and development in every field of material wealth.

The people have regained the courage they lost in 1893, and upon this glad new year they look with confident gaze upon a horizon that is purpled with a destiny more fair and radiant, that is more pregnant with intellectual, spiritual and material conquests than ever before marked the future of a young American commonwealth.

In your hands are now placed the destiny of the state and as you come direct from the people you should represent their rightest wants and aspirations. It is a sacred responsibility to be the people's representative in the halls of legislation, and I pray that the Divine Law-Maker will endow you with a full realization of the obligation under which you rest, so that your official action will be another proof that the government of the people is the best yet devised for the happiness and welfare of the human race.

ALVA ADAMS.





INAUGURAL ADDRESS

OF

GOV. CHARLES S. THOMAS

TO THE

TWELFTH GENERAL ASSEMBLY

OF THE

STATE OF COLORADO



INAUGURAL ADDRESS  
OF  
GOV. CHARLES S. THOMAS.

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To the Twelfth General Assembly:

The people of this commonwealth, voicing their sentiments at the polls, have chosen us to exercise executive and legislative functions for the ensuing biennial term. Devoted to the principles we advocate, and trusting to the sincerity of our pledges to promote the general interests by prudent and conservative but effective and needed legislation, they have, by overwhelming majorities, empowered us to act as their agents within the limits of the Constitution for the advancement of their welfare. Having done this, they expect and demand that we shall assume and discharge our official responsibilities in harmony with the letter and the spirit of our platform and our promises. We shall be remiss in the performance of our official duty if we do not meet their requirements. We can offer them no excuse for failures or evasions. Upon all questions of national concern we are practically a unit; upon issues of minor importance there are none which should serve to embitter or divide us. No powerful and truculent

minority is present to distract or divide. Upon no shoulders but our own can be placed the burdens of our official shortcomings, either positive or negative; to no others can the honor and the credit of faithful and honest service be diverted.

Conscious of these influences, impressed with a due sense of our responsibilities, ready and anxious to share their burdens with you, I am constrained to invite your careful attention to some of the problems which appeal to us for solution. In so doing I am not vain enough to assume that I shall impart a knowledge not common to all of us, or to suggest novelties either of criticism or recommendation. The views of the incoming executive, required by time-honored custom to be given to the general assembly, may be useful for the promotion of harmony in action, suggest desirable methods of co-operation, and focus the work of the session upon measures and policies concerning which governor and assembly occupy common ground. On the other hand, differences, if early developed, may happily be adjusted, or if that prove difficult, their bad effects may be avoided or minimized.

In his biennial message, Governor Adams has graphically outlined the condition of the public finances. Confronted by decreasing assessments and increasing demands, dwindling revenues and swelling expenditures, it is imperatively necessary to provide by adequate legislation against approaching financial disaster. This can be done, in my judgment, only by keeping the public expenditures as low as the demands of a healthy public service will permit, and by securing a system of assessments which will reach and return at a fair valuation the taxable property of the commonwealth. The framers of the Constitution wisely limited our power to borrow, and that limit has been exhausted. They have, on the other hand, granted all authority necessary to the securing of adequate revenues by taxation, provided that author-

ity shall be properly exercised. Our embarrassments do not result from our inability to exact tribute in excess of four mills on the dollar, but from evasions of the tax list whereby more than fifty per centum of taxable property escapes contribution to the public burdens. The increased pressure consequent upon that which is listed naturally provokes complaint and swells the clamor for further evasions. Assessors and boards of equalization unite in the practice of granting reductions, and as a result the commonwealth, rich in resources and possessions, finds itself without adequate means to perform its normal functions.

We have been warned by the supreme court that "Unless the general assembly gives relief (which unquestionably, either directly or indirectly, is within its power), there is nothing less than financial disaster ahead. To keep piling up debts without any provision for liquidation is unwise policy and it is time to stop." This warning, deliberately sounded by the highest judicial authority of the state, must be heeded, and your efforts to correct the evil it challenges will surely receive the sanction of all good citizens.

A fruitful cause of our shrinking revenue may be found in the fact that the law imposes no limitation upon the amount or percentage of levy for the support of county and other local governments. Prior to 1891 counties were measurably restricted, but the general assembly of that year saw fit to remove the limit save as to sundry enumerated purposes, since which time the only relation existing between assessments and county levies has been that imposed by the various counties, each for itself, and all of them based upon the local requirements of the particular year. It is evident, therefore, that, except for state purposes, the amount of the general assessed valuation is comparatively unimportant; for the rate of levy being within the control of the taxing officials, its amount varies at will, and sufficient revenue may be

secured whether assessments are high or low. Opportunity thus given to the local official to gratify the general tendency to secure low valuations has been utilized, the taxpayer being apparently oblivious of the fact that what he gains by assessment he loses in local taxation. As a natural consequence the total assessed valuations of the state have, since the act of 1891, steadily decreased from \$236,449.48, in 1892, to about \$190,000,000, in 1898, and we may expect the downward progress to continue side by side with increased accumulations of taxable wealth so long as that act remains unaltered. I feel warranted in urging the imposition of a maximum limit upon all county, municipal, school and other tax levies, that local officers may be compelled to observe the requirements of the law concerning assessments or be unable to provide necessary revenues for local government.

The objection urged to this proposed legislation is untenable. County government was as effective before the limitation of rate of levy was removed as it since has been. Local revenues in general were ample for existing needs, and assessments were somewhat in keeping with the law. Restrictions tend to economy, and the lack of them to extravagance. It is far better to impose them upon the counties than to remove them from the state, for experience has taught us that every safeguard embodied in our organic act concerning expenditures and indebtedness is essential to the public weal and the surest preventive of extravagance. Four mills on the dollar for state, and twenty mills (the old rate) for county, road and school purposes, are ample for all local needs when grounded upon a reasonable valuation. It is a libel upon the state to assert officially or otherwise that the valuation of the taxable property is less than two hundred millions of dollars. Three times that valuation is a modest estimate. On every day in the year, except assessment day, we boast of wealth and resources, of rapidly in-

creasing population, of growing industries and swelling bank deposits, of mining output and accretions in live-stock, of active realty and its constant improvement. Surely these things are not altogether false, and if not, we should, as a state, be self-supporting. We should disdain to live upon the earnings of posterity by contracting large public obligations which they must pay. We should cease by false assessments to advertise our poverty to the world.

Another objection to the imposition of a low rate of levy is that it tends to promote a high rate of assessment, and the taxpayer adopting such a remedy exchanges one form of oppression for another. But the statute declares what the assessment shall be, and its violation, however habitual, as it ever is when levies are unrestricted, no man can justify. If the statute is oppressive, the people can change it, and place an effectual restraint upon exorbitant valuations. A more effectual answer to the objection is that against the tendency to over-valuation is opposed the universal propensity of human nature to minimize valuations in assessments; for mankind is, without exception, at enmity with all forms of taxation. To conceal and to juggle with property, to make and verify statements of valuations far below the facts, to baffle the assessor whenever it can be done, to influence his official action by practices both proper and questionable, and, if possible, to make no returns at all, are practices made respectable by antiquity. They are fashionable with all sorts and conditions of men, and sought to be justified by that easy view of public morality which teaches that all forms of involuntary tribute are oppressive, and all means for their evasion may be fairly utilized. This evil we may condemn but can not exorcise. Those who inveigh against its prevalence resort to it as constantly as those who justify its existence. The practical will therefore recognize its presence and safely rely upon its influence to overcome the possibility of excessive

valuations whenever the purposes to make them shall appear.

To some extent the custom of making low or incomplete returns finds extenuation in the statute which requires all property to be assessed at its "full cash value." In theory this requirement may be just; in practice it never was and never can be made effective. It is better to provide for assessments to be made upon a given percentage of full cash values under appropriate penalties for failure to do so, and thereby secure something like uniformity, than to keep upon the statute book a law which assessors, boards of equalization and taxpayers have alike violated since the hour of its enactment. This plan has been applied to the assessment of mining property, and the rate of valuation, though too low, has produced a measurable degree of uniformity.

The statutory definition of the term "full cash value" may be unsatisfactory, yet as to some classes of property you may be able to enact some rules for ascertaining it. In Connecticut railroad valuations are ascertained by taking the market quotation of their stocks at stated periods. Other states make their estimates of corporate values upon their annual gross receipts. Either of these methods would seem preferable to cost of duplication, and an examination of the practical working of these laws seems quite desirable. The requirements of proportion and uniformity in taxation can only be relatively realized, but every effort to secure them should be put forth by the law-making power for their attainment.

Horizontal and other general reductions in assessed values should be expressly prohibited. This power, although unwarranted under existing law, is habitually exercised, especially by the county boards of equalization, and their action has been held by the courts to affect all property within the county limits, including that falling within the jurisdiction of the state board. To equalize is neither to enlarge nor to



diminish, and while it is proper and even necessary that these boards should be empowered to alter, diminish, correct, and even enlarge, individual assessments in the interest of justice and uniformity, they should not by the pretended exercise of such duties virtually neutralize or destroy the functions of the assessor by sweeping inroads upon the entire schedule. This is to render nugatory all the provisions of law for the ascertainment of values and to substitute for carefully prepared rules of procedure the whims and discretions of fifty-six distinct tribunals.

The difficulty of reaching and assessing personal property is proverbial. The evil, according to a most eminent authority, has progressed until in some of our great centres of wealth and population this form of property seems to have been almost eliminated from the tax list. The controller of the state of New York declares its taxable personal property to be at least equal to the amount of real estate. Yet the proportion of personal property there taxed is only twelve per cent. of the total amount of property taxed, and was less in 1896 than in 1856. A comparison of the personal tax lists in that state of the estates of one hundred men with the surrogate returns of their executors and administrators, revealed the fact that less than two per cent. of such returns were included in the lists. What is true in that state is true in degree of every state in the Union. It can not be justified even though it may not be prevented. A former president of the United States, within a twelve-month, has fittingly declared this lawless disregard of public obligation to be an offense against patriotism. Surely some means may be legitimately employed for the subjection of this class of property to the payment of its proper share of the public burdens. Experience teaches that two methods of taxing personalty may be fairly and effectively utilized. One is the taxation of incomes; the other of inheritances. Neither is novel and both are in active and successful operation

in many parts of the Union. Neither is popular with those whom it affects, but a popular tax has never yet been devised by the wit of man. Both are in some respects inquisitional, the first especially so; but all forms of effective taxation involve that evil. I shall not enter into a discussion of the merits or demerits of these methods of raising revenue, nor shall I at this time commend both to your favorable consideration. Nevertheless I am deliberately of the opinion that no more equitable plan of raising revenue can be found than that of laying progressive duties on inheritances. The plan has antiquity for its origin, is generally in force in the different countries of the world, and found lodgment in America as early as 1826. The tax is one which neither injures the dead nor despoils the living. It is levied not upon property, but upon the right of succession. The right to take property by devise or descent is created by statute. It is a privilege and not a natural right, and the authority granting it may place conditions upon its operation. So says the supreme court of the United States, in the recent case of *Magoun vs. Illinois Trust and Savings Bank*, in construing the validity of a law of the state of Illinois subjecting gifts, legacies and inheritances to a progressive tax. Such a law for the acquisition of state revenue, reasonable in the amount of the tax and applicable to inheritances above a given valuation, would supplement the ordinary revenues without violating in any manner the four-mill limit of the Constitution, and ought to receive your sanction.

I have dwelt at length upon our financial condition and the necessity of rescuing our commonwealth from embarrassment, because I deem it the most vital of all the subjects with which you must deal, and I feel confident that the taxpayers will applaud and support your endeavors to bring the needed relief. The credit of the state is dear to them. Injury to it, is injury direct and lasting to them. A public debt, with the interest it bears, is practically

an encumbrance on their property and resources. They are the source from which it must be paid. Every accumulation to the public debt is a detriment to private enterprise and a preventive of rising values. All good citizens deplore our present situation. Surely they will co-operate with you for its improvement. We must realize that ours is a constantly expanding commonwealth. Its inhabitants number not less than six hundred thousand souls and the requirements of the public service and public institutions must expand with the growth of industry and population. Asylums, reformatories, penitentiaries, institutes and universities justly clamor for increased appropriations, and must languish without them. These demands we can not refuse with safety or with justice. They must be denied if we can not secure funds for their sustenance and extension. If we can not secure them by legislation we can not secure them at all. That which is upon our statute books is ineffective either because unequal to the purpose or because officials, sworn to execute its provisions, violate their duties and their oaths with impunity.

But the flight of time, with its consequent changes, demands new enactments. The swaddling clothes of the child of 1876 ill become the stalwart youth of 1900. We face new conditions and must perforce encounter new demands. Let us do so with the same courage and confidence that subdued the desert and wrested hidden treasure from the mountains. Maintain our credit, recruit our exhausted treasury, support our institutions and our good name and secure to our beloved young state the proud and prominent position she has fairly won in the great sisterhood of commonwealths.

“There must be,” says an eminent statesman, “enough public virtue left in our communities to make tax frauds discreditable, and tax burdens equal, else we must expect crimes of violence to make

insecure the fortunes which refuse to contribute ratably to the cost of maintaining social order and supporting public establishments."

The exigency, which requires summary action for the replenishment of the treasury, seems to admonish us of the necessity for retrenchment in public expenditures wherever compatible with the due administration of the state affairs. Economy, properly and consistently observed, is not only enjoined upon us by every principle of good government, but must serve to a large degree in reducing deficiencies to a minimum. Government is established for the general good, for the preservation of society, the security of the individual and the protection of property. Public positions are an essential incident to the transaction of public affairs. They should neither be created nor continued to subserve personal or partisan ends. Every position not essential to the proper administration of public affairs should be dispensed with and every outlay, the making of which can be avoided without detriment to the necessities of administration, should be lopped off the budget of annual expenditures. The recommendations of Governor Adams, as to this and generally as to other subjects receiving treatment at his hands, are in harmony with my own opinions.

#### STATE BOARD OF CONTROL.

For the management of the penal, correctional and charitable institutions, a number of boards have been provided with small salaries for the members of some of them. I would recommend the abolition of these several boards and the creation of a board of control of not less than five members, no two of whom shall reside in the same judicial district, and having their offices at the state capitol. To this board should be committed the control, custody and operation of the several institutions mentioned. The members of

the board should be required to give their constant and exclusive time and attention to their official duties, provide rules and regulations for their conduct, government and discipline of the various institutions committed to their charge, purchase all needed supplies, and, upon vouchers duly approved by the chairman and secretary thereof, disburse through the treasurer of the state all moneys devoted or appropriated to their care and maintenance. This plan of management has been adopted in several of the states, notably Wisconsin and Iowa, and has proven most efficient. It concentrates responsibility, applies business methods to the operation of public institutions, tends to produce efficiency among subordinates and introduces system, thrift, frugality and needed discipline in their economic management. A majority of the board should be required to personally visit and inspect each of the institutions under its control at least once every sixty days, and complaints by any of the inmates thereof should be transmitted to it without interference by any subordinate. I can conceive of no measure more conducive to a wise economy than this, nor one more thoroughly in accord with sound business principles. Under the present system much of general routine and of direct management must be left to subordinate appointees, and abuses may become prevalent and long continued without detection through the absence of some responsible head charged with the duty of constant vigilance and supervision.

I realize that this measure arouses the apprehension of some citizens lest its enactment should deprive localities of the custom of the institutions and concentrate not only the management but the expenditures at the capitol. If such were the object or the result of the proposed change I would be among the first to condemn it. The welfare of all is the first consideration, and that subserved, the end of legislation is attained. The headquarters of the board must be somewhere. Naturally that place is the state capitol where accommodation may be secured without

charge and where other departments may at all times be consulted. The selection of one member only from a particular judicial district secures general representation upon the board and all communities will, and should, receive impartial treatment at its hands. The bureau of mines is not inimical to the great southwest because of its location. The cattle interests of the Pacific slope are not made secondary to those of the plains because the board of inspection has its habitation there. Under the present system the three penitentiary commissioners may be selected from territory north and west of Denver, and those of the insane asylum may come from the same or some other section equally distant from Pueblo. It would be as reasonable to assume that boards thus selected would be hostile to the interests of Pueblo or Canon as to reason that a board of control, impartially chosen from different parts of the state, would conspire to promote any community or interest at the expense of others. If we would properly discharge our duties toward those whom the public must detain we should avail ourselves of the most efficient methods consistent with economy and with justice for our purpose. The present system is not satisfactory and can not be made so. We should legislate for the management of our public affairs as we would provide for that of our own and aim for a maximum of results at a minimum of costs.

#### JUDICIAL DISTRICTS.

The thirteenth judicial district, comprising Washington, Yuma, Sedgwick, Phillips and Logan counties, was established by the general assembly of 1891. The bill was passed over the executive veto. Neither at that time nor since then has the creation of this district been justified by reason or expediency. The population of the district is sparse and the amount of its litigation is small. The terms of court

for the five counties are limited to April, May and July with an extra term in January for Logan county. A month of active court work in each year is ample for the business of the district. The territory comprising it is contiguous to that of the second and eighth districts and can be added to them without seriously trenching upon the efforts or the time of their judges. The maintenance of this district, at an annual cost of \$4,800 to the people of the state, is wholly indefensible and unwarranted, and I earnestly recommend its abolition.

I would also seriously consider the expediency of consolidating some of the other judicial districts of the state with a view of lessening their number and the consequent number of the district judges and attorneys. I would do nothing to impair the efficiency of our judicial system, but I feel warranted in asserting that the amount of official business in some sections of our state does not justify the continuance of all the districts now established and that the needs of the people can well be served by nine instead of thirteen districts at a saving of nearly thirty thousand dollars per annum. The Constitution forbids you to so change or diminish judicial districts as to deprive judges and attorneys from serving out the terms for which they were chosen, but your legislation can be made so that the consolidation may become operative in January, 1901, and the judges and attorneys to be chosen at the next general election will be limited to the number provided by the new law.

#### COURT OF APPEALS.

The court of appeals was created by act of the general assembly, approved April 6, 1891. Its establishment was deemed necessary to relieve the docket of the supreme court from congestion, and promote the rapid disposition of cases on review. At that

time the docket of the supreme court was far in arrears and the expedient of a commission had proven ineffective. During the eight years of its existence its judges have transacted a large amount of business and are burdened with an accumulation of cases which may be said to demonstrate the necessity for its establishment. While this may be measurably true I nevertheless entertain the conviction that it has not well served the purposes of its creation, is not promotive either of dispatch or economy in the disposition of appellate business, and the act establishing it should be repealed by appropriate legislative action.

The objections to it are, generally speaking, that it interposes a tribunal between the trial and the final appellate court, and thereby imposes upon litigants the burden and expense of an intermediate hearing and decision in a large proportion of those controversies of which the supreme court has ultimate jurisdiction. It is true that many cases go no farther than the court of appeals in their upward progress, and that as to many others its jurisdiction may be final. Nevertheless, practically all controversies, which can be, are carried beyond it and as a consequence the supreme court docket is large and its duties as extensive as before. Besides this, the proverbial differences of judicial opinion are prone to create conflicting lines of precedent which, while subject to ultimate reconciliation by the edict of a superior tribunal, are prolific of uncertainty, and sometimes of litigation while they continue. Apart from additional cost to suitors the expense of a separate tribunal is considerable, and should, if it can, be avoided.

To these considerations may be added the suggestion that the act in question is of doubtful constitutionality. The supreme court has both denied and affirmed the power of the general assembly to establish such a tribunal, and while there has been thus



far an acquiescence in its last decision the occasion may at any time be presented for its redetermination. Though time probably will not, yet it may, develop cogent and conclusive arguments against the organic structure of the court of appeals, some of the results of which would be most inconvenient.

I am fully aware that the supreme court as now organized is powerless to transact the volume of its business as rapidly as it accumulates, and that to recommend the repeal of the court of appeals, with no suggestions of relief, would be unwise. I would therefore advise the submission to the people, at the next general election, of a substitute for sections 5 and 7, article VI., of the Constitution, by which the number of judges of the supreme court shall be increased to not less than five, and their term of office extended to not less than fifteen years. With two other additional judges to that tribunal our appellate procedure will be greatly simplified, cheapened and expedited.

The memorial of the Denver bar association is in general accord with these views, and will doubtless receive your respectful attention. It represents the labors of a committee of able lawyers, was prepared after a deliberate consideration of all phases of the question, and I am informed that it has the sanction of a considerable majority of the members of the association.

I have not attempted to specify the only channels through which a reduction of expenditures may be affected. Others will suggest themselves along the line of general and contingent appropriations, while provision can be made against mileage and traveling expenses when the official enjoys the benefit of free transportation, a privilege liberally extended by our railway companies to, and as readily accepted by, practically all those engaged in the public service.

Our zeal for retrenchment must not, on the other hand, reach the extreme of parsimony, for this would

defeat its own ends. Administration involves liability, and its discharge must come from sources of supply entirely within your control. The means essential to a proper and beneficial exercise of public requirements must be adequate to the purpose, or the best results are wholly impossible. This truth is especially applicable to our educational institutions, which are so essential to the uplifting and progress of our race, and therefore, justly regarded as the especial objects of public solicitude. The moral and material worth and excellence of an American commonwealth is justly measured by its educational system, the percentage of its illiteracy, and the general standard of its intelligence. If its school system be well established, and liberally supported, its benefits are incalculable, not only in the improvement it imparts to our youth, but in the repute it gives and the influence it extends throughout the land. The general government displayed its liberality to us in its appropriation of public land for educational purposes, and in view of the condition of the revenues, past general assemblies may be said to have devoted such means as were at their disposal for the use of the University and other state educational institutions. But the painful fact must be told, that the State University, which stands at the head and is an essential component of our general public school system, has been crippled and its efficiency seriously impaired on account of its meager support, and that unless it can receive the assistance it deserves, it must either be discontinued or exist as the shadowy and emasculated semblance of an establishment designed by its founders as a great institution for the higher education of our youth. It should be and can be made one of the great universities of the nation, supplying our sons and daughters with the best possible educational facilities, and diverting to itself the current now flowing to the better equipped and more highly favored establishments in the East. I therefore urge upon your serious

and favorable consideration the necessity which exists for larger appropriations for the State University, which has grown in importance, and the number of whose students has increased under the most adverse and depressing circumstances. It has urgent problems for the consideration of this assembly. Reports of the institution show, in 1891-1892, three departments—college, medical school, and preparatory school; thirty instructors and lecturers, sixty-six university students and one hundred and three preparatory students; seven buildings. Now there are six departments—college, graduate school, school of applied science, school of medicine, school of law, and preparatory school; eighty instructors and lecturers, four hundred university students and three hundred preparatory students; twelve buildings. Not less noteworthy has been its progress in all that pertains to the efficiency and standing of a genuine university.

Since 1893, with the diminishing state valuation, the income of the University has steadily decreased, and it is now no longer adequate to maintain the work of the University, even on the previous basis, to say nothing of its growth and constantly increasing demands. These conditions should have been recognized years ago, and wise provision should have been made to meet them. Yet, in spite of its insufficient income and its enforced economy, it has secured an enviable name abroad, and is confessedly of immeasurable value to the state. Indeed, to the honor of its governing board, be it said that the amount and quality of its work on a limited income is almost without precedent.

In the last biennial period the regular expenditure was about twenty thousand dollars more than the income, although the deficit was met in this instance by changing the end of the University fiscal year from March back to December, to correspond to that of the state. On its own showing, the University, for the next biennial period, needs twenty

thousand dollars more than in 1896-1898, or forty thousand dollars more than the income of that period—an aggregate special appropriation for support of eighty thousand dollars in addition to the one-fifth mill tax. The “Biennial Report of the Regents” and the “Statement of Needs” issued by the University set forth these facts in detail, and should be carefully studied by every member of the assembly. They also urge the need of an addition to the auditorium, of a library building and of restoring to the permanent land fund the sum taken therefrom to meet an emergency. The demands of the University are more than reasonable. Plainly there is no middle course—either the income of the University must be increased or much that has been attained laboriously will be lost at a time when the opportunities for making a great university are exceptional.

A state university should be an essential part of the best life and spirit of the state, and a growing center of all ideal influences, and it should in every way be fostered by public support and by generous private gifts. When we see what the universities of Michigan, Wisconsin and California mean to their respective states, and note the unanimity with which generous appropriations are made for their support, and when we see here the opportunity for the development of a great university in a beneficent climate, amid grand scenery, in a state blessed with all favoring conditions, assuring great possibilities, it may well be asked both what are our own immediate interests as a state, and whether posterity will acquit us for any further postponement of the problems of our own University.

If it is possible to provide it with some permanent source of income, in addition to what it may rely upon through sales of lands and an assessment of one-fifth of a mill, that provision should be made. The position of a biennial mendicant, pleading for a morsel to sustain life, is inconsistent with its dignity and its

usefulness. It should, if possible, be placed in a position of absolute independence. The special tax of one-fifth of a mill should be increased to at least one-third of a mill on every dollar of assessments whereby it may have a permanent, and, under a fair rate of valuation, a sufficient income of its own. Ample facilities for a broad and liberal modern education will thus be brought within the reach of the children of the poor and of the well-to-do, and the possibilities of their future usefulness to the state given opportunity for full development. Those who rise to prominence and exalted station not infrequently come from the ranks of the poor and the lowly, the sons and daughters of the common people. The public school and university give them the only opportunity for education they possess, and if they can there find the needed facilities for mental development, their addition to the ranks of broad, enlightened citizenship returns an hundred-fold the value of the equipment by which that end is attained.

The governor of Missouri has recommended that all departments of a state government having for their object scientific work, should be connected with the University, because it saves expense to the state and strengthens the University. The state board of health, the fish commission, the mining and geological departments, commissions and officials whose duties involve inquiry into the adulteration or purity of foods, drugs, etc., should find their home at the University. This suggestion I warmly approve, and would gladly see all institutions for technical training and education become parts of our great State University, teaching all branches of learning, broadening the fields of research, extending the domains of science and of knowledge, and imparting its beneficent influences to every heart and every home in our borders.

What is true of the University is true in degree of two other educational institutions. The School of Mines, whose standing is second to no other school

of the kind in the Union, suffers from cramped quarters, insufficient equipment and overworked teachers. Its endowment is wholly out of proportion to its constantly increasing needs. Students from all points of the compass are availing themselves of its advantages. Its high standard of excellence must be impaired, its widening sphere of usefulness abandoned, unless it obtains the support it craves. To permit it to retrograde or to lose the place it justly occupies in the estimate of the educational and scientific world, would be a blunder so unpardonable as to rise to the dignity of a transgression.

The State Normal School, established eight years ago, has managed to exist, but can not obtain full stature upon its usual allotment of one-sixth of a mill. Sixteen hundred students have been numbered upon its rolls since its establishment; two hundred and fifty have graduated, two hundred and twenty-five of whom are teaching in our schools. Its present scholars number five hundred, three hundred of whom are in the normal, and two hundred in the model department. These must be provided for as to room, equipment and teaching force. Heretofore one-sixth of a mill on the dollar of assessed valuation, without extra allowance, has been appropriated for its maintenance. It is not sufficient for the purpose. The school building is and will be incomplete until a second wing is added to the center. It is compelled to utilize a temporary heating plant, which is inadequate and dangerous, being located in the main building. Additional teachers and additions to the facilities for instruction are badly needed. Until the additional wing is constructed, the basement rooms, dark and badly ventilated, must be utilized for school rooms. Needed improvements, and an adequate staff of instructors, must be postponed to a larger allowance, which it is your duty to provide; a duty the performance of which I earnestly enjoin upon you. My zeal for the educational interests of the state is my apology for detain-

ing you so long concerning them. I want them to flourish with a constant and healthy growth, and I indulge the hope that, through your fostering care, they will enter the twentieth century with vigorous step, and date the commencement of their actual development and enlarged usefulness from the wisdom and foresight of the twelfth general assembly.

#### INSURANCE.

Over three and one-half million dollars is annually paid to fire, life and other assurance associations foreign to our state. This tribute to foreign insurance companies, less than one-half of which is returned in the payment of losses, can have no other effect than to materially curtail our medium of circulation. Therefore, I would suggest that our insurance laws be so amended as to encourage the formation and support of local joint stock and mutual companies, thereby keeping within our borders a proportion, at least, of this vast sum paid by our people for indemnity. Our law requiring joint stock fire insurance companies to have a paid-up cash capital of two hundred thousand dollars might safely be amended so as to reduce the amount required to one hundred thousand dollars.

Those relative to mutual insurance companies, both fire and life, are so loosely drawn that but little inducement is offered to the honest mutual underwriter, while the opportunity offered to the insurance adventurer is altogether too alluring. An insurance law should be enacted whereby the interests of our people would not be jeopardized whenever they intrust their business into the hands of local companies' safe keeping. The law regulating these companies places little, if any, restriction on the managers of the same. Mutual insurance being the logical weapon in the hands of our property holders against excessive rates charged by the combination of joint stock companies, foreign to Colorado, should be most jealously

guarded in the interest of those seeking relief through co-operation. A mutual obligation should be assumed by each member in order to insure indemnity in case of a period of heavy losses. A reasonable portion of all moneys so collected as advance or cash premiums should be set aside for the payment of losses, thereby guarding against the extravagant expenditure of the company's fund by the management. I would also recommend that mutual companies make monthly reports to the superintendent of insurance of all business transacted. This should be required as a business precaution, and because the members of mutual companies are not necessarily insurance men, and can not afford the time to supervise the affairs of the company of which they are members.

Local companies will benefit the people only in proportion to the amount of confidence possessed by the property holder in said companies. Therefore, good and prudential laws should be enacted whereby the insured may know that his interests must be protected.

Life insurance companies on the mutual assessment plan should be prohibited from doing business in the state, or required to deposit securities for the protection of their state policy holders. Many of these companies, by alluring representations concerning cheap insurance, secure much business at low rates, which, contrary to pledges and covenants, are, from time to time, increased in amount until further payments become impossible, and forfeitures follow. It thus occurs that policies upon which thousands of dollars have been paid, become lost to the beneficiary through exactions beyond his control and at a time when his age and his poverty, or both, make the securing of new risks impossible. A notable instance is that of the Mutual Reserve Fund Life Association, of New York, whose recent advance in the rate of its assessments has provoked general and deserved complaint. The best authorities on life insurance declare



this plan to be inseparable from increased assessments and probable suspension. They condemn it as a system, and they seem to be justified by the experience of the recent past.

I must not be understood, in making this recommendation, to reflect upon those fraternal and benevolent voluntary associations everywhere prevalent, one of whose objects is the payment of stipulated sums to the families of deceased members. These private orders are of inestimable value to society, exist for a most beneficent purpose, give comfort to the widow, and sustenance to the orphan. They exemplify in its noblest form the spirit of charity and fraternity, and vindicate, by their actions, legislation intended for their encouragement and extension.

The department of insurance is a necessary adjunct of public administration. Its functions relate to the suppression of irresponsible insurance companies, to the regulation of the business by companies duly authorized to operate within the state, to the enforcement of legal requirements, relative to home companies, and generally to the protection of the public against frauds easily perpetrated, through bogus insurance schemes, in the absence of general superintending authority. The changes which many years of experience have suggested as essential to the efficiency of the department deserve your attention.

#### ELECTION LAWS.

Our election laws need revision and material change in many particulars. The use of emblems on the official ballot should be discarded. They are designed to simplify the exercise of the suffrage and enable voters to cast their straight ballot by the making of a single cross, and to identify party tickets with specific characters, so that ignorant voters, recognizing the ticket by the character, may vote in accordance with their political convictions. In practice, however,

the emblem has been the prolific source of confusion, litigation and expense. Rival claimants to particular emblems and the frequent unauthorized use of a well-known emblem by some organization not entitled to it, have been productive of far more harm than good. It is claimed that a certain class of voters require the presence of the emblem that they may vote understandingly. Even if this were conceded, the single benefit thus shown is more than counterbalanced by the evil resulting in other directions. It is a fact, nevertheless, that no great difficulty was experienced by the uneducated voter in the use of the reform ballot before the use of the emblem was established by law. One purpose sought to be subserved by the use of what is popularly known as the Australian system was the selection by the voter of a candidate for each office to be filled, and his specific designation of such candidate by a proper mark. While this may not be an essential to the successful operation of the system in practice, it surely can not be gainsaid that the cross opposite the party name can not be made to subserve all the requirements of straight party voting without the introduction or occurrence of the complications which have been attendant upon the practical workings of the emblem law. Its repeal tends to simplify the exercise of the right of suffrage and to do away with confusion, with contests, with litigation and with strife and conflict in the settlement of all details preliminary to the printing of the official ballot, and should be embodied in your legislation. I believe that all the purposes of the system can be secured, and many of the evils thus far developed under the present law can be avoided, by the abolition of the emblem.

The ballot should be also required to be printed upon paper of a certain thickness. The thin and, in some instances, almost transparent character of the paper occasionally used, destroys the element of secrecy and exposes the vote of the elector to the officials receiving it. His independence of political action

is thereby determined, and one of the serious evils at which the law is aimed becomes through its operation the easier to accomplish. The statute should also provide, in express terms, for the counting of the vote in public. In effect it actually does so, but an express declaration to that end would doubtless prevent for the future the practice too frequently followed by judges and clerks of election of counting and declaring the result of the vote in secret and behind locked doors. Ample provision should also be made for the appointment and protection of watchers during the casting and counting of the vote, and severe penalties should be provided for the punishment of officials denying or excluding watchers from access to the polling booths.

Other details of legislation readily suggest themselves, but time forbids their more specific mention. I can not, however, leave this subject without referring for a moment to those features of the registration and election laws which provide for punishments for offenders against its requirements. These provisions, although ample in themselves, are seldom enforced; and violations of the law concerning registration and election are made, in general, with impunity. Whether this results from political influences, from the difficulty of securing convictions, from the sympathy between officials sworn to execute the law and those who disregard its requirements, need not be here determined. The fact that they have been unavailing either to deter or to punish, makes some further action necessary at your hands. I believe that the enactment of severe fines for the violation of these laws, one-half to be paid into the public treasury, the other half to go to the prosecuting witness or informer, will, to some extent, furnish an effectual sanction for the enforcement and observation of its provisions.

## DAMAGES.

I would suggest the repeal of the "Act concerning damages sustained by agents, servants or employees, approved April 9, 1893," and the enactment of a general employers' liability law similar to that existing in Massachusetts and some other states. Such a law is imperatively demanded in the interest both of the employer and the employee, and if framed upon conservative lines, due regard being had to the nature of the employment and the relative duties and obligations generally existing between employer and employee, it can not fail to be productive of general benefit. The law concerning the relation of master and servant has for many years been in a chaotic condition and each passing year makes it, if possible, more so. We are familiar with abstract propositions of the old common law upon the subject, but in the concrete they no longer serve any clearly defined purpose. Original principles have been refined away by expanding them in one direction at one time and by limiting them in other directions at other times, so that there is no longer any standard by which the rights of one, or the responsibilities of the other party may be measured. Cases brought to recover damages for injury received in the course of employment must each stand upon its own particular circumstances, and the judgments of the courts as to the soundness of the countless precedents quoted for their enlightenment but add to their confusion. In the absence, therefore, of a statute defining the rights and duties applicable to the relation of master and servant, these must depend virtually upon the doctrine of chances calculated against a tremendous array of authorities wholly irreconcilable with each other. A distinguished federal jurist not long ago declared that the American law of master and servant was a disgrace to jurisprudence and nothing but statutory enactment could reduce it to any sort of system or har-

mony. It is natural that employers should view such laws with apprehension, and that employees should urge their enactment. In practice, however, they tend by defining duties and obligations, to the diminution both of accidents and litigation without imposing serious burdens upon the one class or giving enlarged rights to the other. They supply the elements of comparative clearness and certainty to the relations of employer and employee, point out their respective rights and duties, thereby defining both the extent of liability and its absence. Such a law framed with due regard to the rights and privileges both of employer and employee is greatly needed.

#### TRUCK SYSTEM.

What is popularly known as the truck or scrip system should be abolished if it exists in the state, or, if it does not exist, its establishment should be prevented by appropriate legislation. To require the employees of any institution to purchase supplies from its own store rooms is to coerce their patronage and authorize the establishment of prices to suit the vendor, without regard to its effect upon the purchaser. It also encourages the establishment of a credit system by which laborers are kept constantly in arrears to their employers, and this in turn is used to their further disadvantage. The wage earner in continual debt must remain in continual bondage, and as such becomes helpless with no prospect of relief. Such conditions are incompatible with individual freedom, and individual freedom is indispensable to the perpetuity of our form of government. Good wages and prosperity are inseparable. He who toils for a livelihood should receive prompt payment of his earnings and be guaranteed the right to spend them as he pleases, and to his best advantage.

## STATE BANK EXAMINER.

Our statutes contain many salutary provisions relating to the organization and conduct of state banks and banking institutions. Experience has demonstrated their wisdom, and failures resulting in loss to depositors have seldom occurred when all these requirements have been duly observed. A large proportion of the banking business of the state is organized and conducted under state laws, and the increase in savings banks in different parts of the state is a gratifying evidence of increasing thrift and economy. In some respects the business of banking is more advantageous under the state than under the national system, in consequence of which during the last two years several national banks have reorganized under the state law, and there is every reason to hope for the steady growth and development of the state banking system. This should be encouraged by adding to the system such regulations as experience shows to be essential to the welfare of the depositors without interfering with or injuring the welfare of those whose capital is embarked in the business. Although the statutory requirements relating to loans, investments, reserves and semi-annual statements are well calculated to protect depositors and guard against loss, many state bank failures and suspensions have occurred. They have been generally most disastrous, but little has been gathered by creditors from the general wreck. The carelessness and mismanagement which have caused these unfortunate collapses have generally proceeded side by side with an ostensible compliance with the requirements of the law, and depositors have suffered loss by deceptions which should not be possible under any well regulated banking system. The defect in ours consists, in my judgment, in failure to make provision for periodical examinations into the affairs of state banks and for calls for a report of their condition from time to time. Until

these requirements become a part of it we can not expect to strengthen public confidence in the state banking system. It is to the interest of the banker, no less than to the depositor, that the office of state superintendent of banks be created. This officer should be required to make not less than four examinations of the assets and liabilities and to call for not less than four reports on the condition of all state banks and banking institutions during each and every year. These examinations and reports are provided for by the national banking act, the provisions of which, in this respect, might well be enacted by the general assembly. No more desirable or important legislative work can receive your attention. Efforts in the past to provide for examinations and reports of state banks and banking institutions have been defeated. The proposed measure is said to be obnoxious to those engaged in the pursuit of banking because it involves an inspection of private affairs, repugnant alike to private interests and public opinion. It is true that in a democracy like ours all forms of governmental intrusion into the affairs of the citizen are to be condemned, but it is equally true that in all pursuits affecting the general welfare, it is not only the right, but the duty, of the governing power to take all precautions consistent with the public good for the protection of private rights and the promotion of public morality. It has never been pretended that the provisions of the national banking act designed for the protection of depositors and for the enforcement of all requirements of the act itself were not both prudent and proper. Many of the states in the Union have long since crystallized these requirements into legislation and nowhere have they been repealed when once enacted. A careful and prudent system of examination and report if adopted ten years ago would, in my judgment, have prevented many of the failures which have occurred during that time and all the suffering and misery consequent thereupon. No

sound, well-conducted banking institution will object to the establishment of these requirements, and none which fear investigation should be permitted to defeat the enactment of such a necessary law.

The expense attendant upon the creation of the office of state superintendent of banks will be returned many fold to the banks and to the people through the increased confidence of the one in the other, in the strengthening of the system and the conservative policy which these safeguards must necessarily inspire and promote. It can be defrayed by the levy of a nominal assessment upon the banks themselves, so nominal, indeed, as to be in no sense a burden.

#### TRUSTS.

The combinations known as trusts have naturally flourished and expanded under the friendly influences of the present administration. In the process of absorption they have overlooked nothing. The few pursuits which yet remain outside the charmed circle are present subjects of investigation. They include some industries peculiar to the West and some which are in competition with trusts already established. The tremendous economic and political influence of these modern aggregations need no discussion. Whether the evil can be eradicated by peaceful methods is problematical. That it can be mitigated is highly probable. An enactment whereby forfeiture and dissolution shall follow the direct or indirect merger of any home corporation into a general combination of kindred interests in other states, by whatever name such combination shall be known, is urgently demanded. Let us prevent as far as we can the spread of this contagion within our borders, and resist by all methods known to the law the extension of the so-called trust system to the pursuits which have thus far so greatly promoted our prosperity and the development of our resources. Separation of church and



state is an admitted essential to constitutional government. Every reason upon which that doctrine is founded demands a like divorce between the trusts and the state. If the remedy suggested be severe, it must be remembered that the disease is desperate. Many of our sister commonwealths are helpless in the presence of creatures they have brought into being but can no longer control. Let us profit by their mournful example if we would avoid their fate.

#### PROCEDURE.

Some features of our system of remedies for the enforcement of rights and the redress of wrongs should receive your attention. Our practice act is in general sufficient for the ordinary requirements of the law and if its provisions were fully observed and its remedies properly invoked, any change might be an innovation. The tendency of the times, however, is in some respects to reverse the old order and transform exceptional into ordinary methods of relief. Law writers tell us, for example, that the writ of injunction is a remedy to be granted only when no other is adequate; that it is intended only for imminent exigencies and will be denied whenever the law provides some other remedy. Even then in cases of doubtful expediency it will be withheld and is issued only under rigid conditions concerning proof, security and notice, the latter being indispensable save only in great emergencies where lapse of time threatens to defeat the purpose of the writ. Our statute acknowledging these principles has sought to preserve them by appropriate requirements. Concerning that of notice, it prohibits the granting of writs of injunction to prevent the working of mines without notice under any circumstances and requires it in all other instances save where the case is too urgent to admit of the delay incident to the giving of it or that irreparable mischief will result to the plaintiff if notice be given, etc.

The instances in which *under the law* a writ of injunction may issue are rare. Those in which the injunction may issue without notice, and *ex parte*, are more so. Yet it is notorious that in practice injunction has become an ordinary and general method of relief in all sorts of controversies and its *ex parte* form is its most common one. Lawyers apply for and judges issue them as a matter of course. The reading of petitions for them has become perfunctory and is sometimes dispensed with. The writ is issued to restrain corporations and individuals from the exercise of the most obvious rights, or to enjoin the performance of acts clearly within their own ideas of discretion. Municipalities are prohibited from passing and enforcing ordinances. Public bodies are enjoined against the performance of their official duties. The writ invades the domain of the criminal law, places its mandate sometimes upon the magistrate and sometimes upon the culprit. It enters the presence of the chancellor and enjoins him from enjoining. It makes sport of all manner of legal process and interferes both to execute and admonish. It anticipates retaliation provoked by contemplated wrong and lawlessness, and suppresses it before it can become aroused. It suspects conspiracy and forbids it, imagines interference and destroys it, always or nearly always coming unawares, pouncing upon its object ere the latter is conscious of its existence.

The exigency contemplated by the law as a condition for dispensing with notice may be imagined or created. It has become all abiding element of every day procedure, and a most effective one. Without it ninety per cent. of our injunctive writs would never issue. Once obtained, however, they must be obeyed until dissolved, and to dissolve them is no easy matter. Like many other ills of life they are more easily acquired than dispensed with. That can only be done on notice and hearing. Meantime, whether dissolved or continued it may have done its work, and an action

on the bond with the uncertainties of its outcome is frequently the only solace of the citizen whose business, whose purposes or whose good repute may have been injured beyond repair. We may fully consider the necessity as well as the utility involved in the use of injunctive process even in its *ex parte* form, and still be justified in insisting that its long continued and scandalous abuse must cease. The courts by its use are exercising many of the functions of municipalities and legislatures. They may easily become the paramount authority in government, restraining and commanding co-ordinate branches of authority and regulate the general order of society by the untoward development of a salutary legal process.

I am aware that the indiscriminate resort to *ex parte* writs of injunction is sought to be defended by the assumption that provision must be made for their issue in great emergencies and that the court must necessarily determine in every application whether it exists; and to deny the writ in any instance, except where notice can be given, would work greater injury than can ensue under existing conditions. But if we reflect that the necessity for immediate preventive relief is probably more apt to arise in conflicts over mining claims than those affecting other forms of property, and that the prohibition of the statutes concerning mines has proven quite effective and satisfactory, I think the assumption falls to the ground.

Without going, however, to the extent of denying the *ex parte* writ in any case, I would nevertheless recommend a careful revision of the chapter of our Code of Procedure relating to injunctions and enact that no writ of injunction issue without notice unless:

First—That affidavit of emergency be made by not less than two persons besides the plaintiff or his representative.

Second—That the plaintiff or some one for him shall further make affidavit that the alleged emergency was not the result of his creation or connivance and that his application is made at the earliest time that he could have made it after learning the facts.

Third—That in addition to the bond or undertaking, already required by statute, the plaintiff be required to give an additional bond to the defendant with not less than two sureties and in amount to be fixed and approved by the court or judge thereof and conditioned for the payment of the sum therein mentioned to the defendant, if it shall be adjudged that such emergency did not exist or that the plaintiff created or connived at its creation by neglect or otherwise.

Fourth—That in the event the said writ shall issue and it shall afterwards appear to the court or the judge thereof that the emergency alleged therefor did not exist, or existing, was brought about by the act or omission of or for the plaintiff or by his knowledge, the court or judge shall so find and enter judgment accordingly and shall also dismiss the complaint without respect to the merits thereof and shall also summarily enter judgment on said emergency bond for the defendant and against the plaintiff and his sureties aforesaid, and issue execution therefor.

Fifth—That no writ of injunction shall issue to restrain the passage of penal ordinances or the enforcement thereof.

Sixth—That whenever an injunction shall be denied or dissolved, on the merits thereof, no application therefor, or for the renewal thereof for the same cause shall be made to the same or any other court or judge, and any injunction so issued by the same or any other judge shall be wholly void and of no effect.

These suggestions, if crystallized into law, will in nowise interfere with the issuance of the writ in all proper cases even without notice. They will re-

store the remedy to its proper functions, protect the strong and the weak, the corporation and the individual against much injustice, and do away with the practice which has become an evil of wide dimensions, tending to unsettle the normal course of procedure and to promote a sentiment of disrespect for the judiciary; a sentiment which should find no support either in the nature of our laws or the actions of the tribunals whose duty it is to enforce them.

I would also recommend that section 272 of the Code of Civil Procedure be so amended as to deny to litigants in ejectionment a new trial as a matter of right upon the payment of costs. This practice is derived from the common law, the reasons for which are longer apparent. By this amendment great delay, expense and controversy will be avoided without in anywise imperiling the rights of litigants.

#### SPECIAL CONSTABLE.

Section 2794 of Mills' Annotated Statutes was designed to subserve the purpose of justice in cases of emergency only. The temporary absence of a qualified constable might result either in the escape of the criminal or in the defeat of an honest demand; hence justices of the peace are, by that section, clothed with power to appoint a suitable person to act as constable in a particular case. In the larger cities of the state this practice of making special appointments under this section has developed into a custom so that practically all civil process is served and executed by special officers. This is doubtless done with the approval of the qualified constables, although apparently resulting in a diminution of their official perquisites. As a result, the civil process of justice courts in cities is executed by a class of men whose only warrant is their appointment in particular cases, who have given no official bond conditioned for the performance of their duty and for the protection

of the public, and whose recompense consists in the fees established by law for the performance of the particular act. Injustice and extortion are thereby imposed with impunity upon that class of people least able to bear them. They have no adequate remedy either for unlawful searches or seizures or for illegal or irregular service of process, for both the justice making the appointment and the official appointed may shelter themselves behind the provisions of the section referred to. The special constable may be entirely irresponsible and having given no bond for the due performance of his duty, by his action runs no risk of involving others. Abuses of process are, consequently, of daily occurrence in controversies unimportant in themselves but oppressively burdensome to small property holders and debtors who can ill afford to respond to exaction, however slight, and upon whom, in consequence, the impositions can be the more readily practiced. I would recommend the enactment of a substitute for this section, providing for the appointment of one special constable by each justice of the peace to be by him designated at the commencement of his term of office to act for the regularly qualified constable of the particular precinct whenever such qualified constable is absent or unable to act. This special constable should be required to give bond in amount and with conditions similar to those required by law from regularly qualified constables, and by that means afford some measure of protection to litigants in justice courts.

#### EXCESS WARRANTS.

A large number of state warrants, said to have been issued in violation of law and held by private interests in different portions of the country, or representing investments in the permanent school fund has occupied the attention of the last three general assemblies. The effort twice unsuccessfully made to

authorize their liquidation by the adoption of constitutional amendments can not well be repeated at this time owing to the necessity of considering amendments to other articles. It is claimed, with apparent reason that many of the warrants contained in the total issue are valid evidences of indebtedness, that many others in which the school moneys have been invested, should be paid to prevent permanent injury thereto, and that others, which may or may not be lawful, represent an equivalent to the state which should on general equitable principles recognize and pay them. It would be expedient that a committee from your own members be appointed to examine into and carefully investigate the condition and character of all these excess warrants and report the result thereof to the thirteenth general assembly, thereby enabling that body to give due consideration to their merits and legislate concerning them for the best interests of all.

#### CIVIL SERVICE.

Our convention platforms declared for a reform of abuses connected with the administration of civil affairs. Prominent among them is the disarrangement of routine service consequent upon changes of administration. Appointive positions involving purely clerical or mechanical work now constitute prizes to be distributed as political rewards, and their allotment is apt to be made without due regard to the effect of change upon the transaction of public business. Efficiency in the management of details nearly always comes from experience, and competency, rather than partisanship, should be made the standard of selection and retention. As far as possible public affairs should be managed as private ones are. The extension, therefore, of what are called civil service rules to all grades of public employment below positions expressly created by law, and filled at stated periods by executive appointment, would greatly add

to the efficiency and economy of public administrations. It would encourage employees to become proficient in all matters pertaining to their positions and stimulate their giving to the people the very best service. It would also enable the appointing power to devote to more serious affairs a great proportion of time now of necessity consumed in considering applications and making appointments. The Civil Service Reform Association, of Denver, composed of public-spirited men and women, has prepared a bill relating to this subject. It is the result of careful study and reflection, and I commend it to your careful consideration. I am in accord with its general purposes. I believe that the provisions of such a measure should be extended to ministerial, clerical and other subordinate positions, frequent changes in which must derange the public service. Any commission created for the enforcement of the provisions of the law should, however, in view of the small revenues at your disposal, be required to serve without compensation for the present.

#### DAMS AND EMBANKMENTS.

By section 2270, Mills' Annotated Statutes, it is provided that no reservoirs or embankments of a dam exceeding ten feet in height shall be made without first submitting the plans thereof to the county commissioners of the county in which it is situated and obtaining their approval of such plans. This section should be so amended as to require all plans and specifications for reservoir embankments or dams of whatever height to be first submitted, not only to the county commissioners of the county in which the same is situated, but also to the state engineer, and obtaining the approval of both thereto. In addition to this requirement another should be made, by which all changes in and addition to such plans and specifications, which said commissioners or engineer shall determine to be necessary to safe and sound construc-



tion, shall be made and agreed to before the construction thereof shall proceed; and that the construction of such dams or embankments shall be placed directly under the control and direction of the state engineer, to the end that the same should be properly and securely built.

I am informed that a dam or embankment intending to imprison millions of gallons of water is at present under construction in the state, the height of which is a fraction under ten feet. The plans have probably, therefore, been submitted to no public official for approval, and the construction is entirely in the hands of private individuals. While every element of safety may have been provided for, its destruction would, nevertheless, entail widespread loss of life and property from its site to the eastern limit of the state. It is the duty of the commonwealth to provide against the occurrence of such calamities by requiring all such improvements, including those now under construction, to be made under public supervision, to the end that absolute safety and security may result. Public ownership and control of all storage reservoirs and dams constructed for irrigation purposes would better tend to insure such safety.

#### STATE CANAL NO. 1.

Among the public lands of the state is an area of more than thirty-eight thousand acres occupying the plateau north of the Arkansas river between Canon City and Pueblo. The construction of a canal and reservoir leading out from the Arkansas river west of Canon City, for the irrigation and subjection of this and contiguous areas, has long been a subject of serious and important consideration. The lands of the state without water are of nominal value. If they can be made irrigable their value will be great, and the same is true of private holdings in that section. Under previous administrations filings of water rights

and surveys and estimates for ditch and reservoir construction have been made. A considerable portion of the tunnel designed as a part of the proposed waterway has been driven by the labor of the inmates of the State Penitentiary at a cost of \$92,246.40. It must, of course, be finished before the work thus done can be made effective. Seventeen thousand seven hundred and fifty-three dollars and sixty cents of the sums heretofore appropriated for construction remain unexpended. The completion of the canal will place a large area of unproductive land under water, the increased value of which can not be less than thirty to thirty-five dollars per acre. The benefit to the state, as a result of the construction of the proposed canal, directly by the increased value of its land, and indirectly by the increase in the assessable valuation of the lands held by private ownership, impels me to ask your favorable consideration of some measure by which the proposed canal and reservoirs may be pushed to speedy completion under the active and constant supervision of the state engineer. The resources of the internal improvement fund might well be utilized in this direction, or some portion of the state's holding of public land under the line of the ditch might be devoted to the purpose.

It may be objected that the construction of this ditch would interfere with or injure prior appropriators of water along the line of the river, both above and below, and that such appropriations have practically absorbed all available water supply. But it will not be contended that the state, any more than the individual, can interfere with or destroy the property of the citizen; and any appropriations made by it for the purpose indicated must and will be in strict subjection to the paramount rights of individuals and corporations. The vast amount of water flowing seaward through the Arkansas river during its flood season will readily supply the proposed reservoir system with water necessary for the lands below them with-

out interfering with, or diminishing, the amount appropriated and needed by other consumers. The importance of the proposed public canal, not only in its relation to the land immediately affected, but to the people at large, is my apology for alluding to it at length.

The senate committee, appointed in 1894 to investigate and report upon this work, determined against it because of the cost and the probable absence of water supply. Without reflecting upon this report I indulge the hope that an estimate based upon present facilities for construction and considering the volume of the river at its flood season may justify favorable action on your part.

#### REPORT OF BOARD OF CHARITIES.

I commend to your careful attention the report and recommendations of the board of charities and correction. This board, serving the public interest without reward, has performed constant and conscientious service which can not be too highly commended. The unsatisfactory condition of some of the state institutions, falling within the board's inspection, may be due in some part to inadequate support. They must also be the result of inefficient or negligent control and operation. That they exist seems highly probable. Committees of investigation appointed by you will be heartily supported by the executive, and if abuses exist, those responsible for them must shoulder the consequences.

Employment of state convicts in some manner consonant with the welfare of free labor is imperatively demanded. I realize and appreciate the objection to prison labor, as well as the contention that where convicts are idle free labor supports them. The welfare of the state and the principles of humanity alike admonish us that confinement in idleness is

wrong, and that by some means the time of the unhappy inmates of our penal walls should be occupied in self-sustaining pursuits. A prison farm, state mines, the construction and repair of public roads, suggest themselves as worthy of consideration and as furnishing avenues of employment beneficial to the convict and the state and harmless to law-abiding workers of the land.

I am wholly unequal to the task of discussing proper methods of treatment for the insane, yet I think I may be pardoned for asserting that our asylums should be regarded as curative institutions rather than places for permanent detention. They should be hospitals instead of asylums, places where every effort which science and humanity can make should be exerted to restore the unfortunate lunatic to reason. Those who are incurably insane should be otherwise provided for. Wisconsin commits them to the county hospitals and devotes her state institutions to the sole work of restoration; a plan which has received the approbation of many of the leading specialists of the country.

#### HOME FOR THE FEEBLE MINDED.

The time has come when due heed should be given to a class of unfortunates for whom no adequate legislation has heretofore been enacted. I allude to that class known as feeble minded. Legal custody and asylum is given to the insane, the violent and the criminal, but for the poor unfortunates who are peaceful and harmless, but to whom nature has denied full mental faculty and vigor, and who, if subjected to special treatment and discipline, might be cured of their malady and acquire a normal condition, there is neither school nor asylum. Distributed among our population of more than six hundred thousand people are to be found many of these unhappy creatures, incapable of caring for themselves and sel-

dom possessed of friends willing or able to effect their cure. The impulses of humanity and the dictates of public policy combine to urge upon us the duty of making public provision for these helpless and afflicted creatures. No public burden should be more cheerfully borne; no task for the amelioration of human suffering should be more gladly welcomed. If the revenues of the state are at present insufficient to justify the establishment of a separate institution or home for the feeble minded, surely some temporary arrangement for their accommodation in connection with some existing establishment can be made.

The State Home for Dependent Children is badly in need of a suitable building. The work accomplished by the board is most efficient and, in view of the amount of the appropriation, most commendable. If it be possible, I would urge the appropriation of the sum of ten thousand dollars, in addition to that made by the last assembly, and provide for its expenditure for building purposes.

The work of the board of pardons should, I think, be supplemented by providing their investigation of all applications for pardon as a condition precedent to executive action. This would ensure careful examination into the merits of all cases and constitute a wholesome regulation upon the exercise of the pardoning power. If the board is to become an effective part of the executive machinery I think specific provision should be made for its custody of all applications, the pardoning power to be postponed to its report thereon. As the law now stands the governor may, but need not, await such report. In practice he co-operates with the board, but in law it would be more satisfactory to make express provision to that end.

#### CITY OF DENVER.

The charter of the city of Denver will be a theme of discussion and proposed legislation during your session. This is a subject of ever-recurring importance,

and one which will doubtless vex your successors as it has troubled your predecessors for thirty-eight years. Since the organization of the territory in 1861 the charter of the city of Denver has been the subject of constant change and amendment. With hardly an exception every legislature, state and territorial, has contributed to the statute books either a new charter or charter amendments of almost equal importance. Time has, of course, suggested needed changes, while for various reasons others have been effected. It is natural that a progressive community, prond of their city and eager to promote its healthy growth under good local government, should discover defects and omissions in its organic structure and seek to remedy them at the earliest opportunity. We should investigate all complaints and assertions concerning weakness and deficiencies of our municipal charter and, if possible, supply the legislation essential for the correction of existing municipal evils. On the other hand we are reminded that ill-considered changes may aggravate instead of curing them, and the disappointments attendant upon the practical operation of measures enacted into law by preceding assemblies warn us against a too ready acceptance of proposed panaceas for alleged organic municipal diseases. Neither must it be forgotten that the present features of our present charter, now so vigorously assailed, were incorporated into it by the influences and for the reasons now demanding their abolition, and that home rule, as the term seems to be popularly understood, was declared in 1891 to be the prolific source of party misrule and official corruption. We must also remember that the principle of local self-government, as that term is popularly understood, is frequently subject to abuse and misapplication, and that a wholesome check to its improper exercise has been by common practice in many states found in the application of concurrent state control, operating through the machinery of administrative appoint-

ments. A comparison, therefore, of municipal government in Denver prior to the charter amendments of 1891, with the succeeding period, should aid your judgment in determining the expediency of many proposed changes and, I think, would lend support to the suggestion that a commission be created and instructed to compare the city charter with those of other leading municipalities of the country, inquire into the practical operation of the present as contrasted with the former method of city government, and make full report and recommendation to the next general assembly, covering the entire subject, including bill duly framed in conformity thereto. Such a commission should be carefully selected; it should be composed of men of business and professional experience, willing and able to devote time and labor to the accomplishment of the object proposed and unbiased in the performance of their task by any untoward or partisan influences. Your successors would, by that means, be indebted to you for a fund of information and suggestion which, with a carefully prepared bill for its consideration, would enable them not only to legislate intelligently and well concerning municipal affairs of the metropolis of the state, but also to relieve succeeding legislatures of the ever-recurring duty of considering new charter enactments save in so far as the changed conditions of the future might make amendments necessary.

My suggestion of a commission will not, I trust, be construed as a reflection upon the earnest efforts of those of our citizens who, during the past year, have given careful thought and valuable time to the solution of municipal problems. Their work is in the right direction and will be of great assistance to you in formulating some legislative plan for the improvement of our municipal condition.

## UNIFORM LEGISLATION.

The effort to secure uniformity in state legislation upon subjects of general importance assumed definite shape some years ago. A commission charged with the duty of promoting the work was appointed for the state, and its members have given much valuable time to the duties involved upon them. They have effected some legislation in harmony with that of other states, but the work is in its infancy. Their labor is gratuitous, but it necessarily entails some slight expense which they should not be required to bear. The modest request of two hundred dollars which they make, and which will cover the outlay involved in the prosecution of their labors, should receive your favorable attention.

## SOLDIERS' AND SAILORS' HOME.

The president of the United States recently declared that the time had come when the great republic should stretch forth its powerful arms and take to itself the care of the graves of the Confederate dead. He spoke in a southern city to southern people, surrounded by a bodyguard of old Confederate veterans clad in the ragged butternut of 1861, in an atmosphere resonant with the music of national melodies, under a canopy brilliant with superb display of the national colors. The occasion was Dixie's jubilee of peace and victory, a peace secured and a victory won by the common patriotism of the American people and the mutual valor of northern and southern soldiers, under the flag of the Union against the Union's enemies. The states once in rebellion signaled, in the conflict of 1898, their enduring loyalty to the republic, and her sons testified to their love of country by the supreme test of devotion on land and sea.



A soldiers' and sailors' home for the worthy heroes of the civil war has been established in Colorado by the bounty of her people. Within its precincts the battle-scarred veteran, weary of his struggle with the hard conditions of life, may find peaceful and serene retreat from the storms of adversity. The infirmities of age are no barrier to the necessities of life and a grateful generation gladly cares for the comfort and sustenance of the veterans' declining years.

Here and there among us, far distant from friends and former home, an old Confederate soldier may be found, cast up like driftwood upon a sandy shore. In early life, and from a sense of duty, he took up arms for his people and lost in the mighty struggle for the cause of human liberty. He accepted the result, and with weakened energies and impaired strength, began anew the battle of life. Fortune's turn of the wheel was not in his direction, and turning westward, with the days of his youth behind him, he sought as a stranger in a strange land to better his condition by securing the advantage of better opportunities. But the young and the strong have outstripped him. With failing strength and disappointed hopes, he has struggled on with little to comfort or sustain, until standing on the verge of man's allotted time, in poverty and rags, he starves and suffers because he will not, like blind Belisarius, stand on the curbstones of distant cities and beg sustenance from the passing stranger. His eyes have lost their brilliancy and his hand its cunning, albeit the one flashed and the other waved his old hat in air when the news of Manila and Santiago stirred his old blood and gave momentary strength to his feeble yell for "Old Glory" and the volunteers of 1898. Under these auspicious conditions, with a reunited people from gulf to lake, standing upon the threshold of a dawning century, big with the promise of realization for every hope of national greatness, when the

blue and the gray have melted in the far horizon into the "teaderest purple of distance," when the rebellion is recognized as an inexorable step in the onward march of destiny, when atonement for error has come through the blood and tears, and triumphs of a later struggle, I may be pardoned for suggesting that no more noble or generous deed can be placed to the credit of the twelfth general assembly than to open the doors of the Soldiers' and Sailors' Home to the poor and stranded ex-confederate soldier, whose days are almost numbered and who can find home and shelter nowhere else. It would serve to unite the bond of brotherhood, already strong, between the veteran of the blue and his erstwhile adversary, spread the balm of sweet charity over the scars of the past, and call down upon your heads not only the approval of the boys in blue but the unspeakable blessing of honest and grateful beneficiaries whose long and weary and despondent struggle for life would be thus ended forever.

#### STATE TREASURER.

The bond required of the state treasurer carries a penalty of one million dollars. Acceptable securities for so large a sum are not easily found. They can, in general, be obtained under conditions involving the custody of the state funds at low rates of interest and the treasurer is liable to be deprived of the unconditional power of deposit. The state should, at its own expense, furnish bond for its treasurer, thus giving him unrestricted opportunity to make his deposits to the best possible advantage.

There are many other subjects needing special mention, but I have already overtaxed your patience. The enactment of measures against discrimination by carriers between communities and individuals, for a fair and equitable adjustment of rates and transportation, for the regulation of water distribution, for the protection and promotion of our mining, live-

stock and agricultural interests readily suggest themselves. To your consideration and solution of these and other problems of legislation on lines of equity and conservatism, intent upon securing benefit to all and inflicting injury to none, I pledge you the willing co-operation of the executive.

The too common practice, however, of introducing bills aimed at some admitted abuse, or pretending some needed reform, but really designed to levy tribute upon some pursuit or franchise, should, and, I am sure, will meet your vigorous condemnation. The true reformer, zealous for the excision of prevalent abuses, is easily distinguished from the black-mailer who, in the lobbies of the general assembly of every state, deludes well meaning members into giving the sanction of their names and the force of their position to specious bills with sonorous titles ostensibly designed for a good purpose. Once introduced they become the basis for intrigue and robbery, a method of extortion and plunder, demanded and frequently exacted, as the price of their withdrawal or defeat. No scheme of public robbery or private oppression can be more base, no evil operating to defeat the enactment of needed legislation and to make the name of true reform a by-word has proven more effective. An effectual cure for this growing disease would be the destruction of the lobby. That biennial nuisance can be partially suppressed by denying admittance to the legislative floors to any save members and employees, and by limiting professional advocates and opponents of pending measures to hearings before the committees. We may well afford to cripple a flourishing business when purification of the political atmosphere results as an asset to the profit side of the ledger. I realize that legislation can not of itself relieve, while it frequently aggravates, existing conditions. Laws are not self-executing. They must be fortified by competent and courageous officials. Many things of which we complain do not result from

poor laws or from no laws, but from the failure of public servants to enforce or observe them. It has been observed with truth that to find the right man for public places is almost the only work which falls or has fallen to the ruler. It is by the manner in which this is done more than by the laws which are passed that the goodness or badness of a government is tested. If the functionaries are honest and faithful almost any kind of political constitution is endurable. If they are ignorant or tyrannical, or corrupt, the best constitution is worthless. What we shall do, therefore, must depend in large part upon the work of others for its potency to relieve. Nevertheless, the people of the state have commissioned us to labor in their behalf and to accomplish by our labor the results we have promised. Impressed by the solemn duties they have imposed upon us, realizing the responsibilities they involve, let us resolve, by earnest effort and constant co-operation, to justify the hopes they entertain, and, by our deeds, execute the trust we have assumed.













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