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# COLORADO

THE

## Biennial Message

OF


### GOVERNOR HENRY A. BUCHTEL

TO THE

## Seventeenth General Assembly

DELIVERED AT NOON ON  
MONDAY, 11th JANUARY, 1909

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## Synopsis of Governor Buchtel's biennial message :

Congratulations.—First test of civilization is care of the defective. The mentally incomplete have had no care in Colorado.—The State Home for dependent children is admirably managed. Likewise the Industrial Schools for Girls and for Boys.—The State Reformatory does reform.—The State Penitentiary has developed a sense of personal honor in prisoners, working on the Trinidad road, which is unmatched in the history of prison discipline. Pardons have been granted with discretion.—Praise for Board of Pardons.—Recommendations of Board of Charities and Corrections are approved.—Insane Asylum needs more buildings. Dr. Busey knows his work.—From the standpoint of the institutions, all the Superintendents and Wardens and Commanders ought to be kept in office.—The School for the Deaf and Blind is well managed.—

Education. We have four independent and four tax-supported institutions. The independent schools have done much for Colorado and deserve to be encouraged never discouraged. The quality of work done by the independent institutions is unmatched. A notable illustration in the University of Denver Law School. In medicine the independent school has done much more work for the State than the tax-supported school. Program of Board of Regents to remove three departments to Denver is not wise and not fair for reasons: 1. This will still further scatter our already widely scattered educational work and will increase cost without justification of necessity. 2. The field at Denver was given to another school, by a notable charter, granted by the territorial legislature in 1864. 3. This appeal is made for a small body of students, mostly from outside Colorado. 4. The taxpayers are likely to ask embarrassing questions. All unpaid warrants of former administrations for support of State educational institutions have been paid by this administration. All special appropriations for four State educational institutions were approved two years ago with knowledge that the State's gifts to the four schools would approximate one million dollars. One appropriation was approved under a gentleman's agreement which appears to have been forgotten. 23 prizes have been given as Governor's Prizes in the hope of creating a spirit of good fellowship. The State Normal has done fine work. There are far away towns where similar work is needed as much as in Greeley. The government will probably give the State two fine properties provided the State will use the properties in the right way. The Agricultural College has a great income and a great field. College graduates with certain specified training should be granted license to teach without examination precisely as Normal School graduates. My educational creed covers the whole field of education.—

Fine reports are made, with necessary recommendations for legislative action, by all the State officers: The Treasurer of State, The Auditor of State, The Secretary of State, The Attorney General, and The Superintendent of Public Instruction. Approval heartily given to the recommendation that teachers should be better paid than men and women of the finest edge of faculty may make choice of the teaching vocation as a life vocation.—

The Register of the Land Board makes wise recommendations.—The Insurance Commissioner has given us insurance which insures.—Architects should be licensed precisely as lawyers and doctors and dentists.—The National Guard has been handled exclusively from the standpoint of the efficiency of the service. We need a great armory in Denver.—The Soldiers' and Sailors' Home has been so wisely managed that it has a national reputation as a home-like home for the veterans to whom we owe so much.—The Civil Service Commission has made a fine beginning and deserves an adequate appropriation.—The Game and Fish Commissioner makes a fine report.—The State Board of Health must have a larger appropriation. No excuse is possible to be made for Colorado's criminal neglect of the public health.—We need more inspectors for the food, for the meat, and for the dairy departments. The work accomplished in these departments deserves much praise.

The Legislature must find some way to relieve the crowded condition of the State House. The Board of Capitol Managers serves with marked faithfulness and without pay.—Good roads need to be provided for with comprehensive legislation.—The State Engineer makes a notable report.—Likewise the State Bank Commissioner.—Expositions are always with us.—More money is needed to provide burial places for veterans.—Many departments can be only mentioned by name.—

Conclusion: No man in any executive office has ever had more delightful associates than the executive officers at the State House and in all the State Institutions. Retires from office with all pleasant memories of two years of service as Governor of Colorado. The volume of wholesome legislation which was passed by the 16th General Assembly has never been matched in the history of the State. The conspicuous act in this fine list was the Local Option Law. Hearty good wishes are expressed for the 17th General Assembly and for the distinguished successor in office, The Hon. John Franklin Shafroth. The last word is a bit of cheerful counsel for the new men in the legislature.—



THE  
Biennial Message  
OF  
GOVERNOR HENRY A. BUCHEL

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To the Seventeenth General Assembly of the State of Colorado,  
GREETING:

I congratulate you on your arrival at this great opportunity to serve the State of Colorado which we all love so well. When your term of service shall have ended I hope you may all be able to say, with sincerity, that you have done the things which you ought to have done, and that you have left undone the things which you ought not to have done. There is much to be said, and the time is short. So I plunge immediately *in medias res*.

The first test of civilization is found in the provision which is made by the State for the defective, the dependent and the weak. Weakness and need confer right, in a Christian civilization, and power imposes responsibility. We ought not to consider the wishes of the strong first in our legislative programs, but always first we should consider the pitiable appeals of the dependent and the defective.

MENTAL DEFECTIVES.

Hitherto we have never been able to arouse any interest in Colorado in the mentally incomplete, commonly described as the feeble-minded. Much can be done for the relief and improvement of these helpless children by beginning in time and by going about it with knowledge of proper methods. I join heartily in the recommendation of the State Board of Charities and Corrections for the establishment of such an institution in Colorado in the immediate future. We have these helpless children in other institutions now where no proper care can be given them. The proper care of the feeble-minded is just as much a science and an art as is the care of the insane or the care of the deaf and dumb. So a separate institution is a fundamental necessity to the right care of these helpless children.

THE STATE HOME FOR DEPENDENT AND NEGLECTED CHILDREN  
is one of our most beautiful charities. It has been administered with loving interest in the children by a Board of exceptional



ability. Of course all the members of this Board serve without any remuneration whatsoever. This is the only state institution for the care of the neglected or maltreated child in Colorado. The children are committed by the County Court, and the Home then finds proper homes for the children in good families where they will have wholesome surroundings. Both the visiting and consulting staffs of physicians give their services without compensation. The school at the Home is conducted at the expense of the city of Denver in the school building on the state property. Some of the boys are learning trades in various factories in Denver. The domestic science department equips the girls to earn a good living as house servants or as seamstresses. The daily average of attendance for the biennial period was 199. The cost per capita for maintaining these children per annum has been \$158. Institutions like this one where the services of the Board and the services of the physicians are given without compensation ought to have every dollar which they ask for maintenance and for enlargement.

#### THE STATE INDUSTRIAL SCHOOL FOR GIRLS

is one of our most needed charities. It is administered also by a Board of conspicuous ability, all whose members serve without any compensation whatsoever. The population of this school has increased from 44 to 82. The girls who are committed to this Industrial School are for the most part not vicious, but they are girls who have been led into wrong doing by those who are older and stronger than themselves. Many of them could not avoid being bad on account of their home surroundings. Society, with its too general disregard of the home life of helpless and defenseless children, is in large measure responsible for the moral delinquency which is developed in the lives of these girls. It is the purpose of the school to give the girls a common school education with a good knowledge of house-keeping. The farm work has been done in large part by the girls. They have made cement walks, planted trees and shrubs, graded and made lawns and have done much work in the improvements which have been made in all the buildings. Religious services are conducted by both protestants and catholics. The regenerating and refining influences of religion are absolutely necessary to the proper accomplishment of all reformatory work. The expenditures in this school are ridiculously small when one considers what is saved to the state by making a good woman out of the natural material for crime in one wayward girl.

#### THE STATE INDUSTRIAL SCHOOL FOR BOYS

is not a reform school but an industrial school. It would be a great gain if the public could learn to describe our various institutions with accuracy. The population of the State Industrial School for Boys has increased from 296 to 362. 263 acres of land have been purchased. Land is fundamental to the wel-



fare of all our institutions. Life out doors in the fields is necessary to the wholesome development of these boys. There has been practically no sickness in the institution at all. More than 90 per cent. of the boys who are sent to the State Industrial School become useful citizens. Some do not. It is probable that all of them could be made to become useful citizens if they could be kept a little longer in the school and if the state would make adequate equipment to teach the boys all the ordinary indoor and outdoor trades. It is objected that these boys ought not to be taught trades for the reason that that is paying a premium on delinquency. You must, however, pay the penalty of society's neglect of children who live in bad atmospheres. Now you have one more chance to make useful citizens of these boys. This may be your last chance. You may possibly have another chance at Buena Vista, but why not actually do it now at any cost of equipment? The point to all of which is that the real necessities of this school should be provided without haggling.

#### THE COLORADO STATE REFORMATORY

has had the best discipline in its history during the past two years. The cost for food and clothes has been so low as to excite admiration for the management of Warden Dutcher. Definite progress has been made in the real aim of the Reformatory. The real aim of the Reformatory is to make it a place of detention for correction, for reformation, for education in common branches and also as a place of training in various forms of useful employment to make it possible for a boy to make a living. The fundamental idea is not that the Reformatory is a place of punishment. There is such a thing as the reformation of the evil doer. The Warden and his associates live in the future of the life of each wayward young man. They do not seek to recall what his past history has been. The average population has been 163.2, an increase of  $7\frac{1}{2}$  per cent over the highest previous population. Much more has been done in the way of making improvements in the plant during this biennial period than in any previous term. All this work has been done with the labor of the boys. The state Parole Officer has rendered most valuable service in finding employment for the boys. A special effort is made to avoid advertising in the newspapers what is done by the Parole Officer and what is done by the Warden and his other associates because these boys have already had too much newspaper attention. The Legislature should provide for the purchase of additional land. We need a big farm where the boys can be kept busy in outdoor work. All buildings should be erected by the boys. Industrial and manual training features are fundamental to the reformatory program. The knowledge of the previous life of the young men in the State Reformatory and the men in the State Penitentiary fills one with hot indignation about the sale of narcotics and the sale of whiskey.



It is your business to do what you can to restrict the sale of narcotics and whiskey. With narcotics and whiskey eliminated from our State, our expenditures for criminal courts and for penal and reformatory institutions would be reduced from fifty to seventy-five per cent.

The law which governs transfers from the reformatory to the penitentiary and from the penitentiary to the reformatory ought to be amended so that the authority to grant paroles should go with the prisoner to the new institution. As the law now stands the authority to grant paroles remains with the institution to which the prisoner was at first committed. The courts are so utterly careless about committing prisoners that the Wardens should be given the largest liberty to make transfers from the reformatory to the prison and from the prison to the reformatory, of course under the approval of the Governor.

#### THE COLORADO STATE PENITENTIARY

presents a most heartening report. There may be state prisons that are as well managed and that bring as good results as our prison at Canon City, but there are no prisons which are better managed or bring better results. The average daily count for the present term has been 651 as compared with 681 for the former biennial period. The present prison population is approximately 700 on account of the large number of commitments during the past few months. There have been twenty escapes during the two years, all being trusties who were employed outside. There have been no escapes from the prison proper during the six years that Warden Cleghorn has had charge. During the biennial period just closing only 259 prisoners have been reported for breaches of discipline and the total number of reports on these 259 prisoners aggregates only 421. In the former period there were 387 prisoners reported, and they were reported 755 times. That means that there were fifty per cent more reports in the former period than during this period, and the number of reports in the former period was eighty per cent higher than during the present period. 614 different prisoners have been sent to the penitentiary during the present biennial period. 359 of them were under thirty years of age. 255 were over thirty years of age. The ages ranged from 16 to 71. Ninety of them are in the list of ages from 16 to 21. It is perfectly manifest that these younger prisoners ought never to have been sent to the penitentiary at all. It is for this reason that I am urging you to amend the law governing transfers from one prison to another. When boys are sent to the penitentiary for their first offense, the Warden, with the approval of the Governor, ought to have authority to send that boy to Buena Vista where he ought to have been sent by the court. Then when some expert criminal who has been in penitentiary several times is sent to the Reformatory at Buena Vista, the War-



den ought to have authority under the approval of the Governor, to send that expert criminal to the penitentiary at Canon City.

This marked improvement in the discipline of the prison can be attributed to a variety of causes. Of course the first cause is that we have had the right man as Warden and he has been supported in a fine way by his associates and notably by the Chaplain. Then the road work is the largest outside element. When the large group of prisoners, nearly one hundred, were sent to work on the road at Trinidad, at first an armed guard was put in charge of the camp at night. After a little time this armed guard was taken off. Since that time no civilians have been employed excepting the superintendent and the over-seers in charge of the work. The guard at night is a life term, the only life term ever made a trusty, who guards the camp without a gun and gets better results than were at first secured by a guard with a gun. In the whole history of prison discipline nothing has ever occurred which is more heartening than these extraordinary results which have been secured under Warden Cleghorn's direction in that big camp of prisoners working on the Trinidad road. The Warden explains that the guards were needed to guard the camp from prowlers at night on the outside, rather than to prevent the prisoners from escaping. It is hoped that you may do some really creditable thing in making it possible to extend this work. Making roads does not interfere with free labor. Certainly every humane man ought to be enthusiastic about the results which are secured for the prisoners themselves in developing in them a sense of personal honor. And even those brutal people who thirst for the blood of prisoners can become enthusiastic over the fact that we are building fine roads at less than one-half what such roads would cost if they were built by the usual contract system. Of course you must find some employment for the men on the inside. It is the very refinement of cruelty to shut men up and give them no employment. The Wardens both at the penitentiary and at the reformatory praise the civil service law. I wish you would read the report of the Parole Officer and the report of the Chaplain. Many of these men have been genuinely converted.

Another element which has contributed to the improvement in discipline in the State Penitentiary has been the granting of pardons to the right prisoners. You can grant pardons without intelligence and create a riot in any prison. Then you can grant pardons with intelligence and secure the respect of the prisoners and arouse in them a desire to earn a pardon by right conduct. The Warden reports thirty pardons for the biennial period: One of them was granted by Governor McDonald, five were granted by Governor Harper and twenty-four were granted by me. Of course you understand that I have been solicited to pardon everybody in the Penitentiary, in the Reformatory, in the Industrial Schools and in all the Colorado jails. Many of you gentlemen have taken much of my time to request pardons which I have



refused. If I had granted all the pardons I was asked to grant, the list for the biennial period would have been not twenty-four but many hundreds. In December I granted five additional pardons, all of them on the recommendation of the Board of Pardons. To-morrow morning, on recommendation of the Board of Pardons, I shall pardon a colored man. So my total list of pardons for two years from the State Penitentiary will aggregate thirty. I am glad to have had the opportunity to grant each one of them. I would not recall one of them if I could. I did exactly the right thing in every case and I am proud of it. The New Year's Day pardon has been granted by me twice to a representative of the colored race because Abraham Lincoln's Emancipation Proclamation was made on that day.

One of the other December pardons was granted to a man who had overdrawn his account with his employer, as he had been accustomed to do. He sent in an accurate statement of his account with the firm, showing the overdraft, as he had been accustomed to do. But in the meantime the firm had changed hands, so he was sent to the penitentiary for that crime. If you gentlemen of the Seventeenth General Assembly had been sent to the penitentiary for every time you have made an overdraft, it is probable that you would all be in the penitentiary now.

#### THE BOARD OF PARDONS.

I wish to express my hearty thanks to Mr. William D. Pierce and Dr. Samuel H. Kirkbride and Mr. L. Ward Bannister for their faithful attendance at the meetings of the Board of Pardons, and to Mr. Ben. W. Ritter of Durango for his occasional attendance. The Secretary, Mr. Hagar, and the Assistant Secretary, Mrs. Williams, have worked overtime to secure for the Board the proper data for a satisfactory decision in all the pathetic cases which we have considered. The members of this Board have listened with patience and with sympathy to the stories of the heart-broken friends and relatives who have made appeals for prisoners at our monthly meetings. It has been difficult to listen to these stories of distress and then refuse the urgent appeals. But we have handled our business with two thoughts always in mind, namely, What is best for the prisoner? and What is best for society? Now that it is all over I would not desire to change a single decision which was given by the Board in this vast volume of business which we have handled during these two years.

#### THE STATE BOARD OF CHARITIES AND CORRECTIONS

gives much time, with large intelligence and sympathy, to the consideration of all our state institutions. Certain recommendations of that board are worthy of your hearty approval, namely,

(1) That all trustees in and around the penitentiary be allowed the same reduction in time, on their sentences, that is now granted to prisoners working on the public highway.



(2) That a prisoner who is released on parole from the State Penitentiary shall be given the same outfit of clothes, transportation and money, that is now given to a prisoner who receives his final discharge.

(3) That adequate additions shall be made to the appropriations for the Penitentiary and the Reformatory to make it possible to employ a scientific method of identification.

(4) That a law be enacted providing state institutions with power to bring condemnation proceedings for land needed by such institutions, and especially where the land adjoins that owned by the state.

(5) That the Charter under which the State Home for Dependent Children operates, be so amended as to allow this Home to receive maimed or crippled children.

(6) That provision shall be made for the appointment of State agents for the general supervision of the boys and girls paroled from the Industrial schools.

#### STATE INSANE ASYLUM.

For many years we have had one of the first alienists in America in charge of our State Insane Asylum. The thoughts of Dr. Busey at all times are with the afflicted people who are committed to his care. He has never allowed that institution to be used as a political asset. That suited my ideas exactly about such institutions so I have made choice of Commissioners for that great charity who would not permit the institution to be used as a political asset. All the recommendations of the Commissioners and Superintendent should be granted in full. They never ask for anything which is not actually needed. We are always some hundreds behind in the demands which are made upon the state for the care of the insane. Of course the State will some day create another insane asylum in the vicinity of Denver, and yet another one on the western slope. But that will not be needed now if you will do everything which is necessary to be done for the asylum at Pueblo.

When I came into office I learned that all the institutions of the state were admirably managed. So I kept every Superintendent and Warden and Commander at his post. I did not inquire about the political affiliation of any of these men, but kept them all because they were doing their work so well. At the present time every institution in the state is in definitely better condition than ever before in the history of the state. From the standpoint of the institutions, all these superintendents and wardens and commanders should be kept in office. The determination of that matter, however, is not with me. During all my life it will be a gratification to me to recall that when it was with me I had the courage to resist all the clamor from every quarter which demanded the removal of efficient men for political reasons alone.



## THE COLORADO SCHOOL FOR THE DEAF AND BLIND

is an educational institution. The institution was founded to furnish education and training for two defective classes of children who can not be provided for in the ordinary public schools. They are not defective or delinquent in morals. Usually these deaf and blind children are children of the finest moral fiber. But it is an educational institution and not a penal or reformatory institution. I wish it were possible for you to make some classification which would locate this institution definitely with the educational institutions of the state. The attendance for the biennial period has advanced from 147 to 190. In addition to the usual training of the school room, the deaf boys are taught carpentry, shoe making, printing, painting and outdoor work. The blind boys are taught piano tuning, broom making, hammock making, chair making, mattress making and rug weaving. The girls receive the best possible training in the domestic department and are taught such useful occupations as can be taught to girls. Much is made of music in the instruction of both boys and girls. Do not embarrass this beautiful school with inadequate appropriations. They ought to have every dollar for which they ask.

## EDUCATION OF COLLEGIATE RANK.

There are two general varieties of educational institutions of collegiate rank, namely, independent institutions and institutions supported by the taxation of all the people. The independent institutions are mostly supported by the great religious bodies. The free church system in our country has made a more satisfactory provision for the religious life of the people than can be found in any other country in the world. We can seat our entire possible church going population in our American churches at the same hour. No other country in the world can do that. The spirit of sacrifice for the common good has been so universal here that all the great religious bodies have made provision for the education of our American youth. Taking the country over there are approximately five times as many independent institutions as state institutions. Ohio has forty-five educational establishments of collegiate rank, of which three are supported by the state, one is supported in part by the state and in part by private enterprise, and forty-one are supported exclusively by private enterprise.

Colorado is the most extreme example of the opposite sort. We have eight institutions of collegiate rank now, including the Normal School, of which four are supported by private enterprise and four are supported by taxation. I name the independent institutions first because they came first in the order of time. They are, The University of Denver, The Colorado College, The College of the Sacred Heart, and now Westminster College. The state institutions are, The State University at Boulder, the State



School of Mines at Golden, The State Agricultural College at Fort Collins and the State Normal School at Greeley. In the neighboring state of Nebraska, the State University has solved the problem of the relation of the state supported institutions to the independent institutions by pursuing a policy of conciliation, friendliness and co-operation. The independent institutions are recognized as important factors in the educational life of the state, always to be encouraged, never to be discouraged, because they save an immense amount of money to the tax payers, giving variety to educational activity and graduating people who are good citizens, serving society in all creditable ways.

The independent institutions have done much for Colorado. We have eight institutions of higher learning and the Presidents of all of them were educated in independent institutions. Not one of these Colorado college presidents is the product of a state supported institution. Your Roosevelt, your Taft and your Bryan are all the product of the independent institutions. It would be just and right for the Colorado Legislature, in every session, to pass a resolution in appreciation of what the independent institutions are doing. I do not say it would be generous and conciliatory, but it would be just and right to recognize that the state is saved a prodigious expense by the voluntary activity of our best citizens and tax payers who believe that the best results in education are secured where students can be surrounded by some more definite moral and religious influence than is permissible in institutions which are supported by public taxation.

Consider what a service the independent institutions have rendered the State of Colorado. 1652 graduates have been given us by the University of Denver; 378 graduates have been given us by the Colorado College; and 84 graduates have been given us by the College of the Sacred Heart. The Westminster College has just now opened its doors and has not had time as yet to bring out a graduating class. So we have 2114 graduates which have been given to the state by the independent institutions.

Now consider the record of the state institutions: 1163 graduates have been given us by the State University and 479 graduates have been given us by the State School of Mines. That means that 1642 graduates have been given to the state by these two state institutions. The University of Denver alone has done a trifle more work for the state than these two institutions together.

The gifts from the State Treasury to the State University to date aggregate \$2,205,833. The value of the plant, as reported by the Regents to the Public Examiner, is \$743,269. The cost of the State University therefore to date, excluding the value of the plant, is \$1,462,564. That means that the net cost to the state for each one of our 1,163 graduates of the State University has been \$1249.



The gifts from the State Treasury to the State School of Mines to date aggregate \$1,300,000. The value of the plant as reported by the Trustees is \$648,000. The expense for the School of Mines, excluding the value of the plant, has therefore been \$652,000. That means that the net cost to the state of each of the 479 graduates of the State School of Mines has been \$1361.

The University of Denver alone, with its 1652 graduates, has saved the state precisely what the State University and the State School of Mines have cost together, namely, \$3,305,833. When you add what has been done by Colorado College and by the College of the Sacred Heart, with 462 graduates together, you have saved again approximately the total cost of the School of Mines. That is to say, these three independent institutions have saved the State of Colorado a trifle less than five million dollars.

I say again that it would be just and right to pass resolutions of appreciation for all this service which is rendered the state by the independent institutions. Is it seemly or fitting for any one in a tax sustained institution to put himself in an attitude of arrogance or discourtesy toward these independent institutions? Should letters ever be sent out or representatives ever be sent from any one of these state institutions with a message of arrogance and discourtesy toward institutions which are doing a great work for the state without a penny of expense to the state? The taxes are paid by all the people. A very large number of tax payers are deeply interested in these independent institutions. Is it seemly or fitting to use that money which is paid gladly by these people for public education to send out representatives with a message of discourtesy toward the institutions which these same tax payers sustain by their voluntary contributions?

The quality of the work accomplished by the independent institutions is unsurpassed. We have an opportunity to note this quality of work in the competitive state bar examinations which are held every year in the month of June. The two law schools in Colorado are our State University Law School at Boulder, of which we are all justly proud, and the University of Denver Law School. Each school has produced about the same number of graduates. The State University has given us 172 lawyers and Denver has given us 175. Naturally these two schools ought to stand on an equality in the state bar examinations. But the University of Denver has won first place ten out of eleven times, in these June examinations, in competition with all the great law schools in America, and our State University Law School has never won a first at any one of these June examinations. Last June, when there were 48 candidates for admission to the bar, the University of Denver won the 1st, 2nd, 3rd, 4th, 5th, 6th, 8th, 9th, 11th and 12th places. Our State University Law School won the 7th and 10th places. Of course we are all proud of our State University, but we ought also to be



proud of our independent school which has shown better mettle than any other law school in America. The Denver men announce in their catalog that they have never had a man to fail in the state bar examinations. But we of the State University had three men to fail in June of 1906 and again three men to fail in June of 1908. These six men who had cost us \$1249 each to make them ready for their work were not able to secure the coveted license to practice. It has been suggested that we ought to pass a law to grant our State University graduates license to practice without subjecting them to the severe test which is now required of all candidates for admission to the bar.

In medicine the Denver institution has given the state 573 graduates against the 173 which we have graduated at our State University. The Regents of the State University in their biennial report make reference twice to their desire to bring the last two years of the state medical course to Denver. I find myself constrained to withhold my concurrence with this recommendation of the Board of Regents. It is not wise to keep up this agitation for the removal of any part of the State University from the city of Boulder where it has been located by the state constitution. It will be recalled that a decision was handed down by the Supreme Court of Colorado against the action of the Board of Regents, who, some years ago, undertook to conduct several departments in Denver in direct contravention of the plain language of the constitution. Some reasons which appear to me adequate for opposing this constant agitation are the following:

First: This proposed removal will yet further scatter our state educational institutions. Our present program is so very expensive to the tax payer because we have divided our state educational work into four parts and have located it in four different towns. We are now running three electrical plants at state expense. I do not see how it is possible to avoid running these three plants. Now we propose to remove a group of the departments of the State University to Denver. That is, we propose now to cover five towns with what ought to have been located originally in one town. The resolution for removal to Denver, as it always appears in the House and Senate covers three departments, namely, medicine, dentistry and pharmacy. This division of the University will add materially to the expense of running the University, but will not add to the efficiency of the institution as the servant of the people. It would be a great gain if we could think of the State University as the servant of the people, and cease to think of the people as the servants of the University. The University of Michigan and the State University of Iowa are both located in small towns, but both of them maintain clinics which attract people from a wide territory. Both are near to dense populations in large cities, but neither one proposes to remove any part of the medical work to those dense populations. One of these institutions



has 390 students in medicine and the other has 291 students in medicine. Just as fine a clinic might be maintained at Boulder as is now maintained at Ann Arbor or at Iowa City, with the spirit of service to the plain people in the State University at Boulder. There are an hundred thousand people close to Boulder in that great district between Greeley and Boulder who need a clinic at Boulder. The train service is now and always will be exactly suited to the maintenance of such a fine clinic at Boulder. Ann Arbor has had for many years a swift trolley service with Detroit, but they have no intention of removing any part of their medical course to Detroit.

Second: The field at Denver is now adequately occupied and ought not to be entered merely to gratify whims or jealousies. The University of Denver covers the field adequately in medicine and in dentistry and the Young Men's Christian Association covers the field adequately in pharmacy with its new school of pharmacy. \$100,000 have been invested in the property which is devoted to medicine and dentistry. \$25,000 have recently been contributed by the physicians themselves to create the finest dispensary in the west. In that medical dispensary, the gift of the physicians themselves, 22,500 poor people have had their wants in medicine and surgery provided for during the past year without any expense whatsoever. In another building near by 4,650 visits of poor people have been made during the past year to the dental infirmary; and in the same building 301 visits have been made during the past year to the legal dispensary. When a poor man or woman has no money to hire a lawyer, the Denver Law School takes his case without any charge whatsoever. Of these cases for the poor that Law School wins ninety-six cases out of every hundred. Can we who represent the State do this work in a more economical or in a better way than it is done now by private enterprise without any expense to the state? There are in Denver more than twenty-five hospitals and asylums for the care of the sick and the poor and the defective and the dependent. Only one of these establishments is sustained by public taxation, namely, the County Hospital. It is generally admitted that the state can not do much of this work as well as it is done by the private enterprise of the philanthropic. Of course it is possible for the state to appropriate enough money to break up all this beautiful work which is done for the poor by the University of Denver. Why not also start in to break up all the work that is done by private enterprise in the twenty-five or more hospitals and asylums in Denver? Why should it be proposed to break up only that work which has been done so well by this independent institution which has saved the State as much money as has been expended on both the State University and the School of Mines?

You must remember that it was the territorial legislature which gave the charter for the Colorado Seminary, now known as the University of Denver, on the 5th March 1864, when the



territorial legislature was in session at Golden. That was ten years before the filing of the articles of incorporation of the Colorado College and thirteen years before the state had spent a penny for higher education at Boulder. The Supreme Court of Colorado has well described this independent institution as the pioneer school of higher learning in this state. Is there any moral obligation on the Seventeenth General Assembly and all subsequent assemblies to keep faith with the territorial legislature which was moved to grant a charter to twenty-eight representative men, some of whom are with us to this day? They were the first men in the territory at that time. That charter is as follows:

### COLORADO SEMINARY.

An Act to Incorporate the Colorado Seminary, Approved March 5, 1864.

Be It Enacted by the Council and House of Representatives of Colorado Territory:

SECTION 1. That John Evans, Samuel H. Elbert, W. N. Byers, H. Burton, A. B. Case, J. G. Vawter, A. G. Gill, W. D. Pease, Edwin Scudder, J. H. Morrison, Warren Hussey, J. W. Smith, D. H. Moffat, Jr., R. E. Whitsitt, C. A. Cook, John Cree, Amos Steck, J. M. Chivington, J. B. Doyle, Henry Henson, Amos Widner, John T. Lynch, Milo Lee, J. B. Chaffee, Lewis Jones, O. A. Willard, W. H. H. Loveland and Robert Berry be and they are hereby constituted a body politic and corporate for the purpose of founding, directing and maintaining an institution of learning, to be styled the Colorado Seminary, and in manner hereinafter prescribed to have perpetual succession, with full power to sue and be sued, plead and be impleaded, adopt and alter at pleasure a seal, acquire, hold and convey property, real, personal and mixed, to the extent they may judge necessary for carrying into effect the objects of this corporation, and, generally, to perform such other acts as may be necessary and proper therefor.

SEC. 2. Said Trustees, at their first meeting, shall be divided into four classes of seven in each class, which classes shall hold office for one, two, three and four years respectively, dating from the first day of July, 1864; their successors shall be appointed whenever terms expire, or vacancies for any cause exist, by the annual conference of the Methodist Episcopal Church, within whose bounds the City of Denver may be included, but all of said Trustees and their successors shall continue in office until their successors are elected.

SEC. 3. No test of religious faith shall ever be applied as a condition of admission into said Seminary, but the Trustees shall have power to adopt all proper rules and regulations for the government of the conduct of teachers and pupils, and the management of all affairs pertaining to said institution.

SEC. 4. They shall have full power to confer all degrees and emoluments customary to be given by similar institutions.



SEC. 5. Such property as may be necessary for carrying out the design of the Seminary in the best manner, while used exclusively for such purposes, shall be free from all taxation.

SEC. 6. In all cases, a majority of the Board of Trustees shall constitute a quorum for transacting any business, or said majority may vest the power of the Trustees in an Executive Committee, or agent of their number, at pleasure.

SEC. 7. This shall be deemed a public act, and be in force and take effect from and after its passage.

These pioneers did not ask the state for money. They asked permission to give their own money to educate the youth of Denver and Colorado, and the permission was granted. Now they have an investment as great or greater than our state investment at Boulder. Have we no moral obligation in this matter? The charter which the legislature granted in 1864 expressly recites that no test of religious faith shall ever be applied as a condition of admission into said institution. The first graduate of this institution is a Roman Catholic. And no test of religious faith has ever been applied as a condition of admission into this pioneer institution or as a condition of membership on its Board of Trustees. Its professors represent all forms of religious faith, Roman Catholic, Jewish, Protestant, with plenty of men who are not identified with any religious bodies. I insist that there is a moral obligation on this General Assembly and on all subsequent General Assemblies to keep faith with the only institution which was ever given such a charter by the territorial legislature and that there is also a moral obligation to keep faith with the city of Boulder, where the State University has been located by the constitution of Colorado.

Third: The number of students for whom all this appeal is made is not large. Last year we had at Boulder in the medical department 52 students, of which 26 were students from Colorado and 26 were students from outside Colorado. This year we have 53 students in medicine at Boulder, of which 22 are from Colorado and 31 are from outside Colorado. In the biennial report we find an exact statement about the growth in engineering, but no exact statement about the growth in medicine. The statement about the growth in medicine was in general terms as follows: "For the current year the registration is still far from completed; at the end of the first week of the session, however, the registration showed a large increase." It seemed to me that you ought to know how much that large increase was and therefore I asked for the list of students and learned that the number from Colorado was 22 this year as against 26 last year, and the number from outside Colorado was 31 this year as against 26 last year. So the large increase amounts to just one, but the number from Colorado is four less than it was last year. The class which entered in September



last has five students from Colorado and eleven from outside. I insist that we have no moral or legal obligation to give a medical education to students from outside Colorado who pay a trifling fee of about \$200 for what costs us \$1249.

The exact statement concerning the students in medicine at the State University this year, which was omitted from the biennial report, is as follows:

In the Class of 1909, 5 students from Colorado and 6 from outside.

In the Class of 1910, 5 students from Colorado and 5 from outside.

In the Class of 1911, 7 students from Colorado and 9 from outside.

In the Class of 1912, 5 students from Colorado and 11 from outside.

Totals, 22 students from Colorado and 31 from outside.

In the whole University approximately two-thirds of the students are from Colorado and approximately one-third are from outside.

Fourth: The tax payers thruout the state will not likely assent to the proposed change in the constitution to make this removal possible. The people have not shown a very lively interest in changing their constitution. We who represent the State University will find a chilling reception when we go out to speak to the tax payers on this question. The citizens and tax payers who oppose this removal will meet us in debate on this subject, and ninety-nine out of every hundred well-informed tax payers will be opposed to the proposed removal. When it is known that we are taking money from the state treasury to carry on the propaganda, and that we even charge for the time we spend in appealing to the legislature to pass this measure, you can see that we who argue for the change in the constitution will be embarrassed and confused. In such a campaign before the people, it is probable that the people would demand the publication of all expense accounts for services in lobbying. And it would be embarrassing to explain how one of these accounts appears to charge for seventy-five days of service, during the legislative session, when the legislature was actually in session but sixty-nine days. The people might even become irritated over the expenditure of any state money at all for professional education, in view of the fact that in most communities we have now only half as much money as we ought to have to provide adequately for the training of the children in the public schools. So we would better make a fine clinic at Boulder, as the University of Michigan does at Ann Arbor and as the State University of Iowa does at Iowa City, and keep faith with the philanthropic people who are now maintaining three free dispensaries in Denver, and also keep



faith with the people who have invested their money in Boulder. This is not suggested as a plan which might be described as generous and conciliatory, but it is suggested as a plan that is just and right. It would be fair and equitable for all the tax supported institutions to put themselves into a relation of friendliness and co-operation with the independent institutions which serve the state so well.

In several recent biennial reports the burden of the story of the Regents was concerning the debts which needed to be created by former Governors to keep the institution open. Nothing is said about the subject in the last biennial report, but I am glad to be able to report to you that all those unpaid warrants have been paid in full by the administration which has managed the state's business during the biennial period which is now closing. It was my pleasure to approve every appropriation which was made by the Sixteenth General Assembly for all four of the state educational institutions. I knew that the State would give to these four institutions for the biennial period, from the special appropriations which I was approving and from the mill levy, approximately one million dollars. In that list I approved the special appropriation of \$100,000 for the State University. I also approved the appropriation of \$5,000 for the geological survey by the Professor of Geology at Boulder. There was a gentlemen's agreement on that subject which needed to be made on account of the vigorous protest, against the approval of that bill, which was made by the Denver Chamber of Commerce and the Colorado Scientific Society. The gentlemen's agreement was that, if I would approve that bill, the question of the location of the State Geologist would be permitted to come up *de novo* with the Seventeenth General Assembly. This should have been stated in the biennial report, but we have not a syllable about that subject. On the contrary it seems to be taken for granted that the State Geologist is located at Boulder for all time. I think the State Geologist should be located in the State House, with a friendly bond with all the schools in the state. If he is connected with any institution he ought to be connected with the School of Mines. If he is connected with any department it ought to be with the department of the Commissioner of Mines. But I think the State Geologist ought to be absolutely independent of all institutions and all departments, that he should be appointed by the Governor, and that he should be a scholar of acknowledged ability who might have a friendly bond with all the institutions in the state.

In the hope of creating a spirit of good fellowship among all the institutions in the state, I offered prizes, when I came into office, to be known as the Governor's prizes, in the four state institutions, namely, the State University, The School of Mines, The Agricultural College and The State Normal School; and in three of the independent institutions, namely, The University of Denver, The Colorado College and the College of the Sacred



Heart. These prizes were to be assigned by the faculty and were to be given out for scholarship, character and school loyalty. Two prizes were offered each year in each school. That means that twenty-eight prizes of \$25 each have been presented by me in the hope of creating a spirit of good fellowship and in the hope of attracting attention to the fact that the fundamental matter in every student is scholarship, character and school loyalty.

#### THE STATE NORMAL SCHOOL AT GREELEY

has made a fine record of achievement with 1348 graduates down to this time. These graduates have been worth to the state much more than they have cost. The total amount of money given to the State Normal from the state treasury down to this date is \$1,020,000. The value of the plant is \$471,700. The net expense of the school, therefore, above the cost of the plant has been \$548,300. That means that each one of our 1348 Normal School graduates has cost the state \$407. The advantage to Greeley in having the Normal School in that beautiful town is very great. Of the one thousand young people and children who have enjoyed the enrichment of the State Normal during the last year, about four hundred are in the practice school department, that is, children and youth from kindergarten through high school who live mostly in Greeley and who therefore are educated at state expense and with no expense at all to the city of Greeley. That advantage, however, is an advantage which always comes to any town with a Normal school within its borders. In the senior and junior classes of the Normal School, where the teachers are created, we find 74 students from Greeley; 73 from Denver; 22 from Pueblo; and 96 from that half of the state of Colorado which lies east and south and west from Pueblo. That is to say, Greeley with 10,000 people, furnishes as many students for the Normal School as Denver with 225,000 people, and nearly as many as come from that vast district of Colorado which is east and south and west of Pueblo. This can not be different. I am calling attention to a fact in education, namely, that few students go more than fifty miles from home for an education. Harvard has more than half its students from a district within fifty miles of Cambridge with the ocean on one side. Columbia has eighty-five per cent of its students from a district within fifty miles of New York City with the ocean on one side. It is not fair to the half of the state where there are no normal schools for the Greeley people to work so zealously to prevent the legislature from doing something for other districts. I am wishing to praise the work which is done at Greeley without reservation and I am also wishing to ask with utmost courtesy whether it is fair to prevent the young people far away from Greeley from enjoying the advantages which are just as much needed far away from Greeley as they are needed in Greeley. We can not produce



enough teachers in all our Colorado institutions together for our Colorado Schools.

Commissioner Francis E. Leupp of the Department of Indian Affairs at Washington, has intimated that the government will probably turn over to Colorado two fine properties which are now used for government Indian schools, one at Grand Junction and one at Fort Lewis, a few miles from Durango. My correspondence with the Boards of Trade at Grand Junction and at Durango and my correspondence with Commissioner Leupp will be turned over to Governor Shafroth and will of course be at the service of the committee which will consider this business. At Grand Junction there are 160 acres of land and perhaps twenty good buildings. At Fort Lewis there are 6,000 acres of land, some of it valuable coal land, and perhaps twelve good buildings. The request of the Board of Trade at Durango is for a training school in mechanic arts, in agriculture and in domestic science. Now if you add a Normal School and a trade school to that program, you would serve the people well. Where one boy in Colorado wants to be a doctor, we have a thousand boys who wish to learn trades. Why not give some time to thinking about those thousands of Colorado boys who for the most part are the sons of mechanics and laborers?

#### THE STATE AGRICULTURAL COLLEGE

has the largest field of any of our State institutions. The College has been seriously embarrassed, for some time, from a lack of harmony in the faculty and from a serious lack of harmony between the college and the vast constituency which the college is designed to serve. This controversy was quite naturally reflected then in all the meetings of the State Board of Agriculture. The only remark I desire to make on the whole situation is that the inscription over the gate of every Agricultural College should read: **THE FARMER'S BOY SHALL BE EDUCATED FOR THE FARM AND NEVER AWAY FROM THE FARM.** I hope you will amend the act which makes the President of the Agricultural College a member of the State Board of Agriculture. The head of the employed body should never be the most conspicuous member of the employing body. To everyone who knows Colorado it is evident that with the proper personnel both in the State Board of Agriculture and in the faculty, it would be possible to make the State Agricultural College the most useful of all our State institutions. The college has an immense revenue as have all the state institutions. It has received from the state nearly two millions of dollars and receives every year from the national government as much money as is required for the maintenance of an independent institution. If the art of economical administration were understood in State institutions as it is understood by independent institutions, and if students were asked to pay just enough money to give them some deeper inter-



est in their studies, the income from the mill levy would probably be adequate to carry all the state schools. The University of Michigan charges both Michigan and outside students approximately one-third of the cost of providing the educational privileges which are given at Ann Arbor. The net income from students at the University of Michigan last year was \$311,244.34, and the total disbursements were \$943,394.45. We make extremely low charges or no charges at all in all our State institutions except at the School of Mines where we now charge \$150 per annum to outside students. So a student from outside Colorado at the School of Mines now pays \$600 for the education which costs the state \$1361.

#### STATE LICENSES TO TEACH FOR COLLEGE GRADUATES.

You will be asked again to pass a law which shall give some proper recognition to the degrees which are won by teachers in all our Colorado institutions. Approximately half the states in the Union have such a law now. For instance, in Michigan a graduate of an independent institution will on his diploma secure a life certificate as a teacher in the public schools. He comes to Colorado with that life certificate, and our superintendent of public instruction will at once endorse it as good in Colorado. Now what have you done? You have given an independent institution in Michigan a recognition which you have steadily denied both to the independent institutions and the State University of Colorado. While our Colorado Bachelors of Arts can take the examinations without embarrassment, yet it is not fair to require these students to take such an examination when the Normal School graduates, with only two years of training, are given life certificates on their diplomas. It is perfectly right to give this Normal School graduate this life certificate. No one objects to that. But why should a graduate of a four-year course, both in the State University at Boulder and in the independent institutions, with a prescribed amount of theoretical professional training and much training in general culture, be denied the life certificate?

#### MY EDUCATIONAL CREED.

I believe in the American public school. I believe that all grade schools should be absolutely free and that all the children of the nation should be required to attend the public school through the eighth grade, except where parents provide an equivalent training in private schools or where children must be excused on account of sickness or on account of the necessity of earning a living. I believe that a thoroly equipped teacher of fine character should be provided for every 25 or 30 pupils and that no teacher in the grades should ever be required to teach more than 25 or 30 pupils. I believe that we should have more men in the service of the public schools, so that boys of twelve and upward might have men as teachers. I believe that all this should be pro-



vided for all the boys and girls of the nation, regardless of cost. I believe that small fees should be charged in the High School, just enough to give students some deeper interest in their studies. I believe that manual and physical training should go along with intellectual and moral training through all the grades and through the High School. For girls, manual training should take the form of domestic science at about the sixth grade. The work of education is so fundamental to the orderly on-going of the life of the nation that State colleges and independent colleges should always abide together in mutual respect and should always work together for the common good. I believe that all students should begin to pay at least one-third of the cost of their education when they arrive at the college. I believe the charge in the professional and engineering schools should approximate the cost of the educational outlay, because the professional and engineering courses give one an equipment for making much more than a comfortable living. If the State provides one young man with a medical or legal education, without any expense, the State ought also to provide his brother who wants to be a merchant with a stock of merchandise. I believe State-supported schools have no right at all to use the money paid in taxes by all the people in providing an education for nothing to those who come from other States. This may gratify the longing of the management of the schools to have large student bodies, but it is not fair to the tax payer who has now no opportunity to make an effective protest. When that opportunity shall arrive, the protest will doubtless be sufficiently effective.

#### REPORTS OF STATE OFFICERS.

You will be greatly interested in the reports of the various State officers, all of whom have served the State with conspicuous ability and marked faithfulness. The treasurer of State calls attention to the fact that we have paid all the appropriations in full for the biennial period now ended, and that we have now on hand, to turn over to the incoming administration a surplus of \$300,000. Two years from this time your successors will be in your seats or waiting at the foot of the grand stairway, and I hope you may then have \$300,000 in hand to turn over to them.

#### THE STATE TREASURER'S SUGGESTIONS.

The Sixteenth General Assembly enacted a bill submitting to the people an amendment to the Constitution authorizing the funding of the outstanding warrants of the State for the years 1887 to 1897, inclusive, eliminating all accrued interest thereon. It is to be regretted that this amendment failed to carry. The vote stood: For, 26,254; against, 27,352. In view of the fact that three-fifths of this indebtedness is held by the investment funds of the State, and of the further fact that its continued repudiation is a very serious cloud on the credit of the State, it would seem desirable that a measure be passed re-submitting this question to the



people. Certainly it will be approved if we try the fourth time to remove this stigma. Each political party was afraid to say anything about it, fearing the result. Surely it ought not to hurt a political party to advocate the payment of the State's long repudiated debts. I desire to quote here and most heartily approve the urgent appeals of Governors Adams, Orman and Peabody on this grave question :

In his farewell message Governor Adams said : "Twice have our people voted against the payment of this obligation. Only a misconception of the facts could have induced a negative vote ; but as I place my faith in humanity, I feel that the people of Colorado would not now repudiate a just and honest debt."

Governor Orman in his biennial message of 1903 said of these warrants :

"The fair name and credit of the State has been impaired and every legal and moral means should be used to regain that which we have lost."

"But one matter of paramount importance is the restitution to the school fund of \$488,633.44 and accrued interest, making the total amount now due over \$900,000. This sum is tied up in the so-called excess warrants of the years 1887, 1888 and 1889. The duty of the State in this regard is clear and explicit. The Constitution provides that the school fund of the State shall forever remain inviolate and intact, and *that the State shall supply all losses thereof that may in any manner occur.*"

Governor Peabody in his inaugural message of 1903 said of this indebtedness :

"I am aware that twice have the people of this State rejected a constitutional amendment for the funding of these warrants, but I am led to believe that such rejection was due to circumstances which do not prevail at the present time, and under a misapprehension of the facts."

"At any rate, I believe that it is our solemn duty to do everything within our power to remove the blot which now exists against the honor, integrity and credit of our beloved State."

The Sixteenth General Assembly passed an act providing for the funding of the indebtedness of the State in suppressing insurrection during the years 1899, 1903 and 1904, by the issue and sale of coupon bonds in the sum of \$900,000.00, running for a period of twenty years, and drawing interest at the rate of three per cent per annum, payable semi-annually.

This act also provided that the State Treasurer be authorized to dispose of the same for cash at not less than par and accrued interest. After extensive advertisement of the offering of these bonds, no bids were received which conformed with this statutory provision, therefore the above certificates of indebtedness remained unpaid.

In order to make these bonds saleable at par, it will be necessary to increase the rate of interest. The principal and



accrued interest to date on these certificates of indebtedness amounts to about \$903,000.

Our legislation on the subject of weights and measures is obsolete and ineffective. It is hoped that you will provide some efficient legislative enactment to be in conformity with the recommendations of the United States Bureau of Standards and the conference of the State Sealers of Weights and Measures which was held in Washington on the 17th December, 1908.

SUGGESTED BY REPORT OF AUDITOR OF STATE.

The sum of \$65,000 was appropriated by the Sixteenth General Assembly for the general incidental fund for this biennial period. With this small amount of money we were required to meet the needs of the various departments of state for a period of two years. Of course the expenditures have exceeded the appropriation by several thousand dollars. It could not be otherwise. We have been compelled again and again to refuse the necessary supplies to various departments of state. A number of new departments were created by the last legislature but no corresponding provision was made for the increased incidental expenses. You ought to appropriate at least \$75,000 for the general incidental fund for the next biennial period. Even with that appropriation it will be necessary to guard the fund every day.

It is hoped that you will provide for two additional deputies to enable the Public Examiner to carry out fully the provisions of the act which created the department of Public Examiner and which contemplates the examination and supervision of all public accounts of state and county officials and state institutions. It is unfortunate that provision for such a Public Examiner was not made at the beginning of the history of the state. It would have saved the state many thousands of dollars.

THE SECRETARY OF STATE

reports total cash receipts in his department for the biennial period of \$406,442.51. The healthy development of the commercial life of the State is shown in the elaborate report of the work of his office.

THE ATTORNEY GENERAL.

was sent into the District Court by authority of the Governor, during this biennial period, for the first time in the history of the state. Successful prosecutions were carried thru the District Court of Denver County by the Attorney General for the dissolution of the grocery trust; that is, a combination in restraint of trade. That case was heard before Judge Allen. Two other similar cases were then carried thru the District Court, before Judge Shattuck, for the dissolution of the brick trust and



the coal trust. There ought to be an anti-trust law in Colorado which would make such combinations in restraint of trade illegal. The people should have at all times the benefits of free and fair competition. The power of the Attorney General in such suits should be enlarged. After these cases had been successfully prosecuted I then sent the Attorney General and his deputies, on my own motion, and with the hearty co-operation of the Attorney General and his deputies, into many counties where we secured some very notable results in the better execution of the laws for the control of saloons, and for the closing of public places of gambling. These laws now are better observed than ever before in the history of the state. In some communities saloons are closed at midnight and on Sunday where they have never been closed before at any hour (day or night, week day or Sunday) since the arrival of the first inhabitant. In Huerfano County, for example, there is now no public gambling at all and the saloons are closed all day on Sunday and at midnight on week days.

One of the recommendations of the Attorney General, in which I heartily concur, is that you create a State Board of Equalization, to be appointed by the Governor, that men of technical knowledge may be chosen to handle the gigantic business of the Board of Equalization. The revenue act has so many impractical and unjust provisions of law that no Board could by any possibility observe its strict letter in assessing railroad and other corporate property. That act should be amended or another totally new act should be passed to supersede this one which is confessedly inadequate and impracticable and unjust. I appreciate the fact that you gentlemen who represent the party in the ascendancy in this General Assembly will have a very marked sense of reluctance to creating these new boards for which I am asking. It means that Governor Shafroth will need to spend much time in soliciting men to be willing to serve the State in these various positions. I hope, however, that it may be possible for you to overcome that reluctance and create these various boards which are actually demanded for the welfare of the state.

#### THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

has served in that office with marked faithfulness for four years. Her recommendations for legislation are the result of much study and constant conference with the representative school people of the state. Her report brings out the fact that we have 200,000 children in the public schools of Colorado, with more than 5,000 teachers in service at this time. That means 40 pupils for every teacher in the state. At another part of this message I am expressing the conviction that no teacher ought to have the care of more than 25 or 30 pupils. If that is a sound opinion, then we ought to have from 7,000 to 8,000 teachers in service in



Colorado. I believe that is a sound opinion. I think the state's chief care should be for the children when they are plastic, that is, during the period when they are in the grades. Do you not see from all this that Colorado's real need is Normal Schools? We have in Colorado the young people who would take the Normal School training and would take service as teachers if you would give them the opportunity. I am in hearty sympathy with the recommendation of the Superintendent of Public Instruction that teachers should be better paid than any other individuals serving the public. We ought to make the teaching vocation attractive, as a life vocation, both to men and women of the finest edge of faculty.

#### THE STATE LAND BOARD.

The vast business of the State Land Board has been managed in a thoroly capable and business like manner. The increase in the receipts of that Board discloses the fact that Colorado is growing in a healthy manner. The constant thought of the Board of Land Commissioners has been to sell the state lands to actual home makers. The receipts for the biennial period have been \$825,901.67. The prices secured for lands have been decidedly better than in any former period. At the beginning of this biennial period we had on hand a little less than 88% of all the land the state had ever owned. At the close of this biennial period we have still on hand a little more than 86% of all the land the state has ever owned. You see, therefore, that we still have room for many people in Colorado. The Register of the Land Board makes three recommendations in which I heartily concur. First: That you create by act of the Legislature a Board of Land Commissioners, to be appointed by the Governor, with the State Superintendent of Public Instruction as a member of that Board ex officio. At the beginning of the history of the state the executive officers of the state were made members of the various state boards either by the constitution or by early statutes. At that time the population of the state was small and the revenues were not adequate to justify an expenditure for separate Boards. All that is changed now. The executive officers now have abundant work to do without being required to give any time to these Boards which require technical knowledge. So it is hoped that you will make a new departure and create such a Board of Land Commissioners. Second: The State ought to be permitted, by law, to go into irrigation districts to secure water for state lands just as a private individual. Now the state is prevented from obtaining water for its lands and therefore we are estopped from making certain state lands valuable. You all understand that it is important that water should be secured for these state lands when the irrigatiton district is formed. Third: The law now prohibits the sale of less than forty acres to one person, but the state owns tracts of land of less than forty acres. Legislation should relieve this restriction.



## INSURANCE LAW.

One of the wholesome laws passed by the Sixteenth General Assembly was the Insurance Law. It is probable that no state in the union has a better insurance law. It is certain that no Insurance Commissioner has done more to make an end of dishonest practices in insurance companies, big and little, than our Colorado Commissioner who retired from the service of the state on the last day of 1908 to take the presidency of one of the big companies which he had brought to account for irregular practices. That fine insurance law could easily be wrecked. All you need to do is to listen to the dishonest insurance lobby which will be on hand early and late. A slight modification in the law has been suggested by the Commissioner who has done so much to give us in Colorado insurance which insures. His report tells a long and interesting story of achievement.

## FOR LICENSING ARCHITECTS.

Your attention is called to the proposed bill for an act providing for the licensing of architects and for the regulation of the practice of architecture in this state. This bill is presented by the executive committee of the Colorado Chapter of the American Institute of Architects. No expense to the state is proposed in this measure, but the excess of receipts above expenditures is contemplated to provide for an advanced course of architectural study at the University of Colorado. The intent of the bill is to raise the business of the selection and use of materials, and the superintendence of the construction of buildings, to the standard of a profession, and to guard against the employment of incompetent and unfit persons as architects. Certainly this bill can be passed with universal approval.

## THE NATIONAL GUARD.

I am glad to report that the National Guard of Colorado is in an exceptionally fine condition at this time. The officers and men of the Guard are all pulling together now, without petty quarrels, for the advancement of the Guard. I have handled all the business of the National Guard absolutely without any political consideration. Two things are fundamental to the welfare of the Guard. First, A re-enactment or amending of the present state laws which will enable the National Guard of Colorado to conform in organization, armament and discipline to that prescribed for the regular army of the United States. Recent acts of Congress have entirely re-organized the status of the National Guard throughout the country. The national government has appropriated four millions of dollars for the support of the National Guard in the various states. Our part of the allotment is at this time \$30,000. Under the present Colorado statutes, the National Guard of Colorado can not conform to the requirements



of the recent acts of Congress. This is the last Legislature that will meet prior to January 10, 1910, and it is absolutely necessary that this Seventeenth General Assembly shall so amend our present laws as to enable the National Guard of Colorado to conform in organization, armament and discipline to that prescribed for the regular army. Second: The State Military Board has now undertaken the purchase of a site for an armory for the sum of \$33,000. That means an expenditure of approximately \$12,000 annually for three years. So the State Military Board with its present resources can not erect a proper armory for that portion of the National Guard of Colorado which is stationed in the city of Denver. We, therefore, ought to have an appropriation which shall be adequate to the erection of a large armory. That means a quarter of a million dollars. The finest young men in Colorado are enlisted in the various companies throughout the state for the defense of the state. Here in the city of Denver we have a large military force and must have a large armory where all branches of the service can be brought together. The quality of our men was shown in the work of the Colorado State Rifle Team at the National Rifle match during the past year. In a field of fifty entries Colorado stood eighteenth, winning out over New York, New Jersey and all the western states with the exception of two of the states on the Pacific coast.

#### THE SOLDIERS' AND SAILORS' HOME.

From the National Guard to the State Soldiers' and Sailors' Home is a natural transition. The National Inspector of Soldiers' Homes reports that the most home like Home in the country is our beautiful Home at Monte Vista. Captain Aldrich, the Commander, has served with marked success in a position which few men are competent to fill. Old soldiers, with nothing to do, growing weaker in body and sometimes weaker in mind, day by day, are liable to become somewhat querulous. Now when you have a few very querulous and very disagreeable and very opinionated old soldiers on the outside who give their time chiefly to fomenting discord in the Home, you can see that the Commander's position is one requiring tact and self-control and patience. All that Captain Aldrich has had in plenty. He has been sustained by as fine a Board of Commissioners as ever served a Soldiers' Home in such capacity in the history of our country. I am so proud of the fine work that has been done at Monte Vista to make the old soldiers comfortable and happy that I wish at this time and in this place to thank most warmly Captain C. S. Aldrich, the Commander; and the Commissioners, Captain L. H. Cheney of Monte Vista, General H. S. Vaughn of Denver, General H. O. Dodge of Boulder, and Captain Harry C. Watson of Greeley, the Department Commander of the Grand Army of the Republic. May God give to all old soldiers comfort and cheer during all the years of life, and in the end a quiet heart for *The Long Furlough*.



## CIVIL SERVICE.

The passage of the Civil Service Act by the Sixteenth General Assembly made a beginning in a much needed reform in Colorado. The law has not been long enough in operation to justify the request for any change. In all the older and better settled communities the Civil Service Law has greatly improved the personnel of the employes in the institutions and departments which are covered by the Civil Service Law. The commission has been embarrassed in having such a very small appropriation for its work. It has made a splendid start and ought to have an adequate appropriation.

## GAME AND FISH.

You will greatly enjoy the fine report which has been prepared by the Commissioner of Game and Fish. No recommendations ought to be made by me on this subject for the reason that every man in Colorado knows all about Game and Fish. You know the only fisherman who ever told the truth was that one of the apostles who said: "We have toiled all night and caught nothing." I think, however, that I may venture one recommendation, namely, that you amend the Railroad Law to permit the roads to transport free, for both the government and the state, fish, fish fry and fish eggs. All the railroads are interested in this fish distribution and this concession from the roads is necessary to the proper distribution of fish and fish eggs to the various streams in the state.

## THE STATE BOARD OF HEALTH

has accomplished a large amount of necessary work with very inadequate resources. Small-pox has practically disappeared from the state while scarlet fever and diphtheria have increased. Typhoid fever is increasing. Our mortality from diphtheria has been 17%. In states where antitoxin is distributed free by the state, the mortality from diphtheria has decreased to six per cent. Shall we in Colorado allow eleven children out of every one hundred who are sick with this dread scourge to die because we refuse to appropriate \$5,000 per annum for the free distribution of antitoxin? We simply must have more money for the examination of water and milk supplies. It is probable that typhoid fever is increasing more on account of infected milk than on account of infected water. We now appropriate five times more for the protection of game and fish than we appropriate for the health and care of our citizens. Can we not actually overcome this shocking disparity at this time? Must we always stand by and say that we think antelope and deer and elk and mountain sheep are of more consequence than human lives, and particularly of more consequence than the lives of little children? If it were necessary, we would better repeal all the laws for the protection of game and fish and make adequate



provision for the care of the health of the state. But that is not necessary. Let us still care for game and fish, but in God's name let us also do the right thing in caring for the public health, and in particular let us do what is necessary to save the little children from a death which is not murder only because there is no criminal intention. There is plenty of criminal neglect and it is that criminal neglect which you have it in your power to end.

#### FOOD INSPECTOR.

The report of the Chief Food Inspector is as fascinating as a romance. Read it. It will leave a good taste in your mouth. The immense amount of work that has been done with a small amount of money helps one to see that an adequate amount of money would secure still better results. Five inspectors of liquor licenses are employed in Colorado. But we have only two inspectors provided for the administration of our Pure Food and Drug Law. Certainly this does not mean that the amount of whiskey we drink is related to the amount of food we eat as five is related to two. It simply means that we have not yet come to appreciate the necessity of caring for the health of our people.

#### THE BOARD OF CAPITOL MANAGERS

serves without any compensation, either directly or indirectly, giving much time and thought to the care of the State House and grounds. The recommendations of the Board are the result of the careful study of the needs of this great property. The increase in the number of Boards created by the legislature, and in the volume of business of the departments makes it necessary that something should be done to relieve the crowded condition of the building at this time. The Board considers an extension of the east wing of the building a better solution of the difficulty than the erection of a separate building. The Capitol Building would be improved in appearance by this extension and the needs of the state would be provided for, probably for all time. The exhibit of the State Historical and Natural History Society in the basement must at some future date be removed from the building into separate quarters. This exhibit gives much pleasure to visitors. In fact it is the one thing we have at the Capitol Building for visitors to look at, but it also occupies a vast amount of space. It is the business of this General Assembly to find some way to relieve this congested condition at the State House.

#### GOOD ROADS.

Two years ago I made an urgent recommendation that a comprehensive plan of making good roads might be adopted. The disagreement among the people who were interested in the program made it impossible to secure any legislation at that



time. The amazing success of the experiment with prisoners on the Trinidad road would seem to make it quite possible to do something creditable at this time. Colorado can easily be made the most attractive state in the union for tourists of all sorts and conditions, but we can only accomplish this desired result by making good roads. The whole state should be covered with a net work of fine roads. Of course this means a plan which would require possibly twenty-five years for completion, but the plan ought to be adopted at this time so that all work could be done in harmony with an intelligent program.

#### THE STATE ENGINEER.

The report of the State Engineer will bring many important matters to your attention which you must understand if you do your work intelligently in this General Assembly. I can not even make a list of these matters. You will be glad to know that the business of that office has grown to such proportions that you must now increase the number of appointees to that service. Forty-eight projects have been completed by this administration as against thirty-one which was the highest number completed in any former administration. We have completed fourteen reinforced concrete bridges against two which was the highest number in any former administration. We have built six steel bridges and six wooden bridges. I must remind you again that you can not do your work intelligently without studying the report of the State Engineer.

#### THE STATE BANK EXAMINER.

It is difficult to understand how we managed to get along so many years without a State Banking Law which provided for a Bank Commissioner and regular expert examination of state and private banks. The Sixteenth General Assembly gave us a fine banking law and I searched long to find just the right man for Commissioner. He and his deputy have made a remarkable record as you will learn from his luminous report. He asks for an additional deputy, and for a few minor changes in the law. The best guarantee of bank deposits is publicity and frequent expert examinations. The resources of the 253 banks in Colorado at this time (that is, national and state and private banks) are \$162,000,000. The resources in the 141 financial institutions which are subject to daily examination by the State Bank Commissioner (this excludes the 112 National Banks) are \$30,000,000.

#### EXPOSITION.

A variety of great expositions will be held in the near future and Colorado ought to be represented at all of them.

THE ALASKA-YUKON-PACIFIC EXPOSITION will be held at Seattle, Washington, from June first to October 16th,



1909. Colorado is invited very heartily both by the Governor of Washington and by the managers of the Exposition to name a Commission and provide for an adequate representation at Seattle during the Exposition.

THE GOLDEN WEST AND AMERICAN INDUSTRIES EXPOSITION will be held at Earl's Court, London, from May to October in 1909.

THE BRUSSELS UNIVERSAL AND INTERNATIONAL EXHIBITION will be held at Brussels from April to November in 1910. Do you know that the farmers of Belgium are probably the finest intensive farmers in the world? If we could make a start toward bringing Belgian farmers to Colorado, it would be a great gain to Colorado. We have the land and Belgium has a surplus of the sort of expert farmers whom we need here.

#### BURIAL PLACES FOR VETERANS.

The appropriation for the purchase, improvement and maintenance of burial places for the veterans of the Grand Army and the Spanish War, made two years ago, was inadequate. You ought to increase that appropriation at this time. An appropriation for this purpose should be made by every General Assembly until we shall have suitable burial places for veterans in all our towns where we have organizations of Spanish War Veterans or Veterans of the Grand Army of the Republic.

#### CONCLUSION.

Time would fail me to describe for you, even in a photographic way, the valuable work which has been done by the State Railroad Commission, by the State Board of Medical Examiners, by the State Dairy Commissioner, by the State Board of Veterinary Surgeons, by the State Inspector of Meats, by the State Commissioner of Mines, by the State Inspector of Coal Mines, by the State Inspector of Steam Boilers, by the State Oil Inspector, by the State Board of Pharmacy, by the State Board of Dental Examiners, by the State Board of Nurse Examiners, by the State Board of Child and Animal Protection, by the State Board of Stock Inspection, by the Industrial Work Shop for the Blind, by the State Board of Horticulture and by the State Board of Accountancy.

I have been on duty at the State House 567 days since I came into office and Governor Harper has been on duty 168 days. In every point he and I have been in most delightful agreement during these busy months of service. No man in any executive office has ever had more companionable associates than the officers of State with whom I have served during these two years:—The Lieutenant-Governor, the Attorney General, the Treasurer of State, the Secretary of State, the Auditor of State and the Superintendent of Public Instruction. While



we have had a vast volume of business to consider together, yet no unpleasant or discourteous word has ever been spoken in any of our conferences by anyone of our number. My relations with all other officials at the State House and at the State Institutions which I have been invited to visit have been precisely like my relations with the executive officers. I shall retire from service at noon to-morrow (12th January, 1909) with most pleasant memories of my two years in office as Governor of Colorado. It is certain that the volume of wholesome legislation which was passed by the Sixteenth General Assembly has never been equalled in the history of the State. In that list of constructive measures I count the Local Option Law the most notable of all for the reason that the best people in Colorado were and are and always will be profoundly interested in giving the right to every community to determine the question of having or not having the open saloon. The South is solid not only in loyalty to its traditional political opinions, but now thank God the South is solid in loyalty to the supreme matter of making a sober nation. Let Colorado stand always for our present position, which is nothing more nor less than the application of the doctrine of State Rights to the local community.

I sincerely hope that the Seventeenth General Assembly will make as commendable a record in constructive legislation as was made two years ago. I can wish for my distinguished successor, the Hon. John Franklin Shafroth, nothing better than that his associates may be as pleasant and as faithful as my associates have been, and that he may find as hearty a spirit of co-operation, on all sides, with all his programs for moral betterment, as I have found during these two delightful years.

I think I may be permitted to give a word of counsel to the new men who are here for the first time. The old men do not need it. Governor Shafroth cannot well give this counsel as he enters upon his duties, so I must give it if it is given at all. All of you who are new at this business will find yourselves in a fever of excitement, not only to do what this Seventeenth General Assembly ought to do, but also to anticipate the work of the 18th and of the 19th and of the 20th General Assemblies. When that fever is burning you up, you can always bring yourselves back into normal temperature and into a temper of humility by recalling, from The Rubaiyat, that cooling and quieting quatrain of Omar Khayyam:

“And fear not lest Existence closing your  
 “Account, and mine, should know the like no more;  
 “The Eternal Saki from that Bowl has pour’d  
 “Millions of Bubbles like us, and will pour.”







