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MESSAGE

OF

Governor Job A. Cooper

TO THE

EIGHTH GENERAL ASSEMBLY

OF THE

STATE OF COLORADO.

1891.



DENVER, COLORADO:

THE COLLIER & CLEVELAND LITH. CO., STATE PRINTERS.

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MESSAGE.

STATE OF COLORADO, }
EXECUTIVE CHAMBER, }
DENVER, January 7, 1891. }

*Gentlemen of the Senate and
House of Representatives:*

In conformance with the requirement of the organic law of this State, I have the honor to communicate to you a statement of the condition of the affairs of State, with such recommendations for your consideration, touching the welfare of the people and the administration of the affairs of the commonwealth, as have occurred to me during my now concluding executive term.

The rapidity which marks the growth and development of a State so wonderful in its resources and possibilities, demands of this Legislature not only wisdom drawn from past conditions, but a most sagacious estimate and interpretation of public requirements in the future.

Your official acts must not be based alone upon affairs as they exist to-day, but must be predicated upon advanced theories suited to the wonderful changes which mark our unexampled progress in all branches of industry; in all the conditions of human life. The past two years have developed the necessity for legislation at the hands of the Eighth General Assembly, of the most important and far-reaching character, demanding conspicuous ability and the most patriotic and comprehensive labor. Of the unusual and grave responsibilities which confront you, I believe you are fully aware, and I

shall only expect to direct your attention to the more notable legislative requirements which have impressed themselves upon me during my term of office.

THE STATE FINANCES.

The total debt of the State November 30, 1890, was as follows:

Outstanding warrants bearing, 6 per cent. interest	\$ 1,393,354 47
Outstanding certificates of indebtedness, bearing 6 per cent. interest	86,890 49
Outstanding Loco Weed certificates, no in- terest	16,910 24
Capitol building bonds, bearing 3½ per cent. interest	150,000 00
Total	\$ 1,647,155 20

To offset this amount there is \$232,938.57 to the credit of General Revenue Fund, leaving the principal of the outstanding indebtedness \$1,414,216.63 from which amount there is to be deducted the uncollected and delinquent taxes. Of the \$1,393,354.47 outstanding warrants, the State holds \$848,034.67 in the several investment funds. The \$150,000.00 of the Capitol Building Bonds have been purchased for the Public School Investment Fund. The Auditor of State, in his report for the fiscal year, after estimating deductions for uncollectable taxes, gives the total debt in excess of revenue as \$837,498.83. In the contemplation of this total indebtedness, it is but fair to state that less than one-tenth (1-10) thereof has been created by the outgoing administration, and that the only single year in which there has not been an excess of warrants issued has been the year just closed.

The records of finance of the State show that this indebtedness was created in administrations as follows:

1877-1878.	
To warrants drawn	\$ 322,521 59
To certificates of indebtedness	29,361 36
Total	\$ 351,882 95
By revenue	302,868 42
To over-issue	\$ 48,014 53
1879-1880.	
To warrants drawn	\$ 307,632 32
To certificates of indebtedness	58,241 29
Total	\$ 365,873 61
By revenue	353,988 19
To over-issue	\$ 11,885 42
1881-1882.	
To warrants drawn	\$ 524,893 75
To certificates of indebtedness	115,802 99
Total	\$ 640,696 74
By revenue	520,348 08
To over-issue	\$ 120,348 66
1883-1884.	
To warrants drawn	\$ 959,990 74
To certificates of indebtedness	125,873 02
To loco certificates	116,944 10
Total	\$1,202,807 86
By revenue	641,233 13
To over-issue	\$ 561,574 73
1885-1886.	
To warrants drawn	\$ 840,051 87
To certificates of indebtedness	31,051 53
Total	\$ 871,103 40
By revenue	767,473 63
To over-issue	\$ 103,629 77
1887-1888.	
To warrants drawn	\$ 886,390 41
To certificates of indebtedness	85,891 50
Total	\$ 972,281 91
By revenue	792,372 72
To over-issue	\$ 179,909 19
1889-1890.	
To warrants drawn	\$1,200,626 39
To certificates of indebtedness	4,410 84
Total	\$1,205,037 23
By revenue	1,122,743 34
To over-issue	\$ 82,293 89

I regard the financial condition of the State as a matter of the greatest importance for your early consideration. The questions involved are vital and the necessity for their solution urgent. In view of the

increasing requirements of Government, as population and the affairs of industrial life continue to grow and multiply, under the present conditions, appropriations must not only increase, but the aggregate of warrants now outstanding must suffer indefinite delay in liquidation. Not only this, but there is fear that the wisest legislation may soon fail to provide for the current demands of executive business. It is a self-evident proposition that with ample surplus in the General Funds of the State, all outstanding indebtedness would be liquidated without the need of special provision. But unfortunately, the constitutional basis of our revenue resources was restricted to the conditions and surroundings of an early day when the greater requirements of the progressive present were not contemplated. With over one million of surplus in the several funds of the State, it does not seem either just to the credit of the commonwealth nor in line with that ordinary business method which actuates a man in the prosecution of his private business, that over eight hundred thousand dollars of the obligations of the State should remain due and unpaid. Respecting these unpaid warrants I quote from the report of the Attorney-General, as follows: "Warrants may be unconstitutional in an absolute sense, as where the subject matter of the appropriation is not within the legislative power, and they may be unconstitutional in a special sense, as where the subject matter is within the legislative power, but the amount issued in a particular year exceeds the revenues of that year; in fact, the latter class can, in no just sense, be denominated unconstitutional, but they are rather to be considered as inoperative because of lack of available funds to pay them. To this latter class belong the excess warrants under consideration, or at least nearly all of them. It is perfectly competent for legislative action to vivify these inoperative warrants by an express sanction of their validity and by providing the means and machinery for their payment." In my inaugural

address to the Seventh General Assembly I referred to the financial condition of the State in the following language: "The anomalous condition is presented that the State indebtedness is steadily increasing, while, at the same time, the surplus in the treasury is growing with equal pace. I do not think it will present itself to the sober judgment of the people as good business or good politics for a State to have on hand some eight hundred thousand dollars lying idle in its treasury and at the same time be paying interest at a high rate on an indebtedness for a like amount. Aside from the direct loss in the way of interest to the State, the accumulation of such a vast sum in the treasury, is a constant source of temptation and danger." At this time I have no reason to change the views I entertained at the opening of my term of office; in fact, intimate consideration of the financial situation and close study of the subject has confirmed me in the belief that from the surplus in special funds of the State, should be paid the outstanding warrants, and I therefore recommend that this Legislature pass a Healing Act expressly establishing the validity of this over-issue of warrants, and that the State Treasurer be required to purchase these warrants with the surplus in any of the special funds of the State. I believe that the conditions of the State Treasurer's bond should be so changed that sureties thereon shall be responsible for whatever funds shall come into his hands, instead of limiting the liability to three hundred thousand dollars.

As a matter of benefit to the State treasury, however slight it may be, I would suggest the abolition of all bounties. Of the general indebtedness, \$16,910.24 is for the suppression of the loco weed. During the past two years the State paid for wolf and coyote scalps \$9,583.50; for bear scalps \$9,867.55; for lion scalps \$5,330.00, making a total of \$24,681.05. The bounties for 1890 are in excess of those of 1889, which, in the

language of the Treasurer, "is a proof of importation rather than extermination." Such moneys might profitably be diverted in the direction of industrial development or saved entirely to the general fund. A gratifying feature in the matter of the revenues of the State has impressed me in connection with the reports of the Secretary of State and the Superintendent of Insurance. The large amount of fees collected and remitted to the State Treasurer during the past two years indicates a volume of business and a care and faithfulness in its discharge, which would doubtless have attracted your attention had I not considered it worthy of special mention. In this connection it is a matter for general congratulation that for the first time in the history of the State, preparation for the session of the General Assembly, furnishing of rooms, halls, apartments, etc., with all the paraphernalia for work, is accomplished without any outlay. The report of the Secretary of State will more fully indicate his careful and commendable action in this behalf.

INTEREST ON STATE FUNDS.

Under former administrations the practice of the State Treasurer in receiving the benefit of the interest on deposits of State funds in bank, has received little or no attention from the public. Within the past few years, however, this irregularity has been the source of bitter complaint, and, in my opinion, not without good reason. Meeting the disfavor of press and people, the question of legal right to such use of public funds has been taken into the courts on a suit to recover the interest thus received by the Treasurers, preceding the present incumbent in office. Upon the examination of the laws of other States regulating the duties and responsibilities of their Treasurers, I find but slight precedent for such practice. Under the laws of Indiana it is a penal offense for the State Treasurer to loan money belonging to the State, and none is, therefore,

placed at interest. In Michigan the State funds are loaned to the banks and the State receives three per cent. interest thereon. In Massachusetts the State funds are deposited in three classes of National banks drawing a monthly interest at the rate of two and one-half, three, and three and one-half per cent. per annum. In Connecticut the Treasurer is authorized to deposit any funds in his hands belonging to the State with any National or State banks, the State to receive all interest; no deposit to exceed twenty-five per cent. of the bank's capital and surplus. In Illinois, Ohio and Kansas the money is kept in a vault in the State Treasurer's office and none of it is authorized to be loaned. It is unnecessary to multiply precedents to show that the practice which has prevailed in Colorado is an extraordinary assumption of privilege. It is my conviction that the State should provide its own safe deposit vaults for its funds, and neither the State nor its Treasurer should receive interest thereon. A liberal salary should be paid to the Treasurer himself and his assistants. That it would be lawful for the State to realize a profit by interest on its funds while in disuse, I will not dispute, but such practice places the State nominally in the attitude of a broker on the market, and indirectly it becomes involved in the general financial affairs of communities; a competitor with its sovereign people for business. But if any profit is to be derived from the deposit of State funds, the State should receive the benefit and not the Treasurer. As to the right or practice of the State Treasurer in receiving such interest, the reasons why it should be forbidden are many and obvious.

BALLOT REFORM.

The demand for laws to better protect the elective franchise and inhibiting the debauch of the ballot has become national in its character. Fifteen States have already adopted a reformed and improved voting system,

based upon what is called the Australian Ballot System. In Colorado, the press and people of all parties stand as a unit for legislation which shall hereafter render impossible the outrageous practices which have made elections in the past, in this State, a travesty on citizenship and a menace to our social fabric and form of government. I am not prepared to unqualifiedly recommend the Australian system entire. The better features of the laws of Massachusetts and of New York in this regard, if enacted into a law, would, in my opinion, give to us the best results. Our people should have, by no matter what method accomplished, or by what system termed, a correct official ballot furnished by public authority to the voters at the polls, and marked by each voter in private at the polls and then and there deposited, and if it may be done, I would urge a provision regarding election expenses; an affidavit setting forth what amounts a candidate for office has expended in his campaign, to be filed with his oath of office; any concealment or evasion in this regard to be reason for conviction of perjury and removal from office.

THE STATE BOARD OF LAND COMMISSIONERS.

An Institution of the State of first importance in its relation to the State and the extent of whose business has increased many fold in the past two years is the State Land Board. The vast public domain, ceded to Colorado by the general government for purposes of the highest order and of the deepest concern to the people; for the promotion, protection, improvement and disposition of which the State Board of Land Commissioners has been created, constitutes a public trust of unusual magnitude and involves responsibilities of the most grave and far-reaching character. The indirect, and at times, conflicting laws governing this Board, the diversified character of the lands and the conditions under which they may or should be disposed of, the great territory over which these possessions are scattered,

the rapidly, and at all times, changing conditions which affect their value, present and prospective, and the necessity for carefully considering the effect which a transaction in one piece of land may have upon the present or future value of other land still in possession of the State; these and others are ever complicated and ever present questions, devolving upon the members of this Land Board most onerous duties and responsibilities and demanding close, constant and watchful attention, if conscientiously performed. The Land Board at present consists of the Governor, the Secretary of State, Attorney-General and the Superintendent of Public Instruction, with a Register elected by these officials. These same officers, or some of them, are members of other State Boards and bodies provided by law, and each of these, in the proper discharge of the duties of the offices to which they are respectively elected, has demands upon his time and capabilities sufficient to fully employ and consume both. The real trouble, therefore, with this department of the government has seemed to me to be that its administration is devolved, by the Constitution, upon officers who are unable, in connection with their other duties, to give it the deliberate and careful attention which its importance requires. Public dissatisfaction to some extent must naturally result from the existing condition, even when the administration does the best that can be done under the circumstances. I believe some provision for the appointment or election of a Land Board entirely independent of, and distinct from any other State office, the members of which could devote their time and abilities to the duties devolving upon them as members, exclusively of the State Land Board, would bring to that department an oversight and control, a business-like and prudent dispatch of public affairs, commensurate with their importance. The administration of this division of the State government has much vexed the public mind, and not less the officers upon whom its administration

devolved during my term. Charges of fraud and favoritism have been publicly made in connection with the disposal of the public lands. It is therefore due to the people that the administration of this department should be thoroughly investigated; and I recommend that you appoint a committee of your ablest men to take the matter in hand and go to the very bottom of every charge of fraud, favoritism or wrong that may be brought before such committee. It is due to public morality that a clear, unbiased report of the findings of such committee be laid before the General Assembly, and published for the information of the people. I refrain from the expression of any private opinion at this time on the motive or the character of the accusations brought against the administration of this department, but I desire above all things that the investigation had may be so thorough as to leave nothing concealed, and that the report of the committee may be absolutely fearless and fair, sparing not the highest nor doing less than justice to the humblest, and I am authorized to say that this desire is participated in by every member of the Board.

THE SUPREME COURT.

Some plan should be devised to relieve the Supreme Court from the present overcrowded condition of its docket. Any system of relief, to be effective, must be based upon a limitation of the number of cases upon which that court may exercise jurisdiction. At the same time some appellate tribunal should be provided to review the possible errors in cases not within the jurisdiction of the Supreme Court, for often these smaller cases involve rights as important to the individual citizen, as cases involving greater amounts are to others. I respectfully refer you to the suggestions on this subject contained in the report of the Attorney-General, which I commend for your consideration.

COMPENSATION OF COUNTY AND COURT OFFICERS.

It is an undisputed fact that in certain counties of this State, the fees received under provisions of existing law by county officers are far in excess of just compensation for labor performed. I say in some counties, for there are counties in the State where the fees do not constitute adequate compensation. It is further a fact, generally accepted, that outside of the unjust tax imposed upon the people by the exorbitant income received by county officers of certain counties, these immense revenues enable political factions to continue themselves in power to the detriment of good government and public morals. Of course the fee system can not be abolished; the general fund should not pay for recording the instruments of individuals nor for litigation, and I do not consider that the fees now provided by law to be paid to officers of courts and officers of counties should be reduced; they are not exorbitant for the individual service performed. But a maximum yearly salary should be provided for officers of counties, fees collected in excess of this stated sum to be by the respective officers remitted to the County Treasurer. I recommend an enactment for the purpose of regulating compensation of county and court officers that shall divide the counties of this State into, say, four classes. Counties of the first class to contain a population of over 75,000; counties of the second class to contain a population of over 50,000; counties of the third class to contain a population of over 25,000; counties of the fourth class to include all those having less than 25,000 population. Basing estimates upon the volume of business as indicated by the population, salaries could be established for each county and court officer; the law providing that this salary should not be received by the officer unless the fees collected, less other expenses of the office, reached that stated sum; that when that stated sum had been collected in fees, the residue

should be remitted to the County Treasurer quarterly, with detailed statement.

WORLD'S COLUMBIAN EXPOSITION.

It is to be regretted that at this particular juncture, so important to all the States of the Union, there should be the necessity for the consideration of plans for scrupulous economy in the administration of government in Colorado. Under existing conditions, I find it difficult to suggest any definite plan by which an appropriation for the purpose of a proper representation of the varied and unlimited resources of our State at the World's Columbian Exposition in 1893 can be made, but I earnestly trust that the combined wisdom of the Eighth General Assembly may be applied to the solution of the problem with satisfactory results. While in all matters of general government, we should adhere strictly to the obligations and methods imposed by constitutional limitations, touching the uses of public funds, I must, in advance of legislation providing for the World's Fair appropriation, deprecate any opposition to such a measure arising out of a mere abstract idea of economy. I cannot believe that in this matter true economy, which always contemplates the liberal use of money in profitable investment, will be confounded with the false economy of stinginess. For the purpose of exhibiting the resources, products and the general development of the State at the World's Columbian Exposition in 1893, I recommend the creation of a State Commission, and that the World's Columbian Commissioners and the lady managers of the World's Columbian Commission from this State, and their respective alternates, be *ex officio* members, and that a liberal appropriation be made therefor; and would suggest that in considering the appropriation, proper provision be made for a complete and creditable display of the work of the women of this State. All the time intervening between this and the session of 1893 will be required for preparatory

work, and during this time the greater part of the money must be expended. Other States of the west, younger in settlement and of less population, have agreed upon appropriations which, in all probability, will be much larger than Colorado can at this time afford; but it is possible, with the advantage of a good organization for the plans and details of the work, a great deal could be accomplished in an economical way.

RE-DISTRICTING THE STATE.

It will devolve upon the Legislature to re-district the State for the purpose of legislative representation under the changed and advanced conditions of population. It will occur to you that the State should be re-districted to the convenience of the people as voters, and to the intelligent representation upon the floor of your body of the varied interests and industries of the State.

RAILROAD COMMISSION.

It is neither the purpose of this document nor the disposition of myself to indulge in any suggestion with reference to railroad legislation bordering upon what may be termed "The Popular Idea." No agency has been so potent in the up-building of this great State as the railroads, whose construction with intrepidity, foresight and the expenditure of vast sums of money, to all sections of the State, has rendered our present unprecedented development possible; but it is demanded by the people that the great power thus gained by the railroad corporations, should be held in conservative abeyance to the public welfare, and that such laws should be enacted as shall be just and fair to both corporation and the citizen. A Board of Commissioners with ample powers to adjudicate questions arising between the people and the railroad companies should, in my opinion, be provided for. Salaries and expenses should be provided which would enable this State to secure the very best members, the very best ability, the highest

capacity for so important a trust. In support of and for the guidance of this Board of Railroad Commissioners, a law should be enacted, clearly setting forth the rights of the people, the privileges of the railroads and the powers of the Commission; and the law should be so framed as to render the decisions of the Commission immediately operative and effective. I again refer you to the recommendations contained in my address to the last General Assembly.

THE PENITENTIARY.

The conduct of the State Penitentiary is commended by the commissioners and officers of that institution, while the recent improvements, giving more room and insuring the better care of prisoners, relieves the State of the odium of that character of incarceration which renders necessary the work of Prison Reform Societies. But the room and conveniences are still inadequate and I would recommend the appropriations asked, for the construction of male and female departments, repairing shops, new machinery, land for a State garden and repairing lime kilns. The completion of a State ditch is a thing to be desired, inasmuch as the revenue therefrom would materially aid in supporting the prison. Burning lime, manufacturing building brick, raising hogs and cutting stone are the principal employments of the convicts. The question of the establishment of work shops in the Penitentiary is again under discussion. It is urged in favor of this policy that the convicts would be given employment that would be remunerative to the State and beneficial to themselves, because enabling them to leave the prison with trades whereby to earn an honest livelihood. I am impressed with the belief that the convicts at the Penitentiary should be provided with employment. I do not believe that the law contemplated that criminals should be incarcerated in the Penitentiary in idleness. The necessity of pro-

viding against their escape, while at the same time they are not provided with employment, reduces the sentence of many criminals to that of almost solitary confinement. Furthermore, I believe that there is no good and sufficient reason why the convicts should not better their own conditions. Give to each day of their punishment its round of duties; provide them with some trade by means of which they might thereafter earn their livelihood, and at the same time, by means of their labor while under sentence, earn to the fund of the Institution a sum which would go far towards reducing the tax imposed upon all classes of people for its support. Revenge is not the theory of our laws. "In forming the plan of these Penitentiary houses the principal objects have been, by sobriety, cleanliness and medical assistance, by a regular series of labor, by confinement during the intervals of work, and by due religious instruction, to preserve and amend the health of the unhappy offenders, to inure them to habits of industry, to guard them from pernicious company, to accustom them to serious reflection, and to teach both the principles and practice of every christian and moral duty." Persons confined in prison have, of course, the same human loves, affections and solitudes for their unfortunate families and those dependent upon them as have others. Nothing so embitters the mind and prevents the rise in the human heart of those better emotions, that it is a part of the theory of confinement to engender, as the withholding from the prisoner all hope of being able to aid those dependent upon him, and the exclusion from him of all opportunity to participate in the result of long years of labor. Unrequited toil is of all things the most discouraging; and if we would encourage those sentiments which would make the convict desire to raise himself out of, and beyond the criminal classes, when his confinement is at an end, our laws should be so framed that he might have a fair share of the results of his own labor. This would hold out to him an

inducement to greater effort and encourage him by the knowledge that even though fallen, he is not without power to lend a helping hand to those involved in his own ruin, and oftentimes to save them from dependence upon the cold charity of the world, or if it be that none are dependent upon him, it would still stimulate by the consciousness that his industry had accumulated something for himself when his confinement was ended. I earnestly recommend that our laws on this subject be so framed that a fair account be kept of the earnings of each convict, placed to the credit of the convict, to be paid him on his departure, or to be regularly remitted to such person as the convict shall direct. I am aware that this view is not shared by many who would consider the employment of prison labor as an unjust competition with free labor, but I have yet to be convinced that such would possibly be the case, and certainly the experience with the State prisoners in Kansas, Illinois and other States, justifies no such conclusion.

The enactment of a law by the last Legislature for a reformatory, though its establishment failed for lack of funds, indicates the opinion of our people that there are two or more classes of offenders within our prisons, and that some separation or classification of them should be made. I recommend that a law be enacted directing that within the Penitentiary, as near as may be, the prisoners convicted of offenses involving the greater degrees of turpitude, be kept in wards or sections separate and apart from those guilty of crimes less heinous, and who do not properly belong to the criminal classes.

EXECUTION OF DEATH PENALTY.

The law enacted by the Seventh General Assembly, providing for the private execution of malefactors at the State Penitentiary at Cañon City, has been in operation for two years. As removing from the contemplation of the people at large the detail of horrors and awful presence of this dreadful punishment, it has sustained

the motives underlying the enactment, but I suggest that to impose upon one official, the Warden of the Penitentiary, the revolting duty of himself executing the death penalty upon every criminal so convicted, is not a humane requirement of law, and I recommend that the law be so amended that the Sheriff of the county in which the crime of murder is committed shall, at the State Penitentiary, in each case, execute the decree of the court. By this means this unpleasant obligation, among the duties of criminal officers, would not be borne by one individual. The laws should also provide that the Executive should be notified as soon as the exact day of the execution is fixed.

BOARD OF CHARITIES.

I recommend to your consideration the establishment of a State Board of Charities for the supervision of the charitable, reformatory and penal institutions of the State, with full visitatorial and advisory power. Thirteen boards of this character are now established in as many different States of the Union, and according to official reports, they have not only been productive of great good in the line of a common humanity, but have proven a very effective check to extravagancies and abuses. Following so closely in the footsteps of those older States, which have devoted so much philanthropic thought and effort to the alleviation of suffering, the securing of moral laws, the reformation of the wrong doer, the comfort of the afflicted, the humane treatment of the criminal classes, for their ultimate betterment, by the establishment in Colorado of a State Board, we would place this State in the advance in that better, brighter and more beneficent progress in the uplifting of mankind.

IMMIGRATION AND INDUSTRIAL DEVELOPMENT.

The past five years constitute a period of great advancement in Colorado. Each succeeding year works an increased ratio in the growth of population and the development of wealth in the State. During the past two years special attention has been called to the great material resources and many natural advantages of Colorado through the medium of the Bureau of Immigration. In the creation of this valuable auxiliary department of the State, it was the purpose of the Seventh General Assembly to adopt an organized and authoritative system of advertising the resources of Colorado, to aid and encourage immigration and promote industrial development. The work of the Bureau in this behalf has been faithful and effective, and that it has been productive of good fruits is unquestionable. The flood tide of western immigration increases each year. In distant States and countries, whence the people come, there is great want of information concerning the true conditions in the States and Territories of the West, and the migrating home-seeker selects his point of destination according to the impression formed in his mind before leaving his native place. Such impressions are usually conveyed through the instrumentality of the various kinds of immigration enterprises adopted by the respective State Governments. In this way, the peculiar advantages of every section of the new country are becoming better known, and there is a sharp competition between the States for a fair proportion of desirable immigration. Colorado has world-wide fame as a producer of gold and silver; but of her great agricultural advantages and her immeasurable resources of coal and stone and iron, and the innumerable articles for manufacture and commerce, comparatively little is known beyond our own borders. The most tangible and convincing evidence of her superior advantages in all these things was presented by the Bureau of Immigration in its

exposition of State products at St. Louis last fall. Such exhibitions of the State's capabilities cannot be otherwise than highly beneficial. In many ways this institution has proven its value in promoting the welfare of the State. In many respects its effectiveness may be augmented, and I would respectfully recommend its maintenance and the cordial co-operation of the people in its work.

THE SOLDIERS' AND SAILORS' HOME.

The unavailability of the fund appropriated by the Seventh General Assembly for the establishment of a Soldiers' and Sailors' Home in this State, has estopped any work, even of a preliminary character, in the establishment of this very excellent and popular institution. The law provided for the location of the Home in the San Luis valley, but since the enactment locating the Home in that section of the State, many reasons have been urged why a more central location should be selected. I commend to your consideration that Congress be memorialized to donate to the State the section of land upon which the Fort Lyon buildings are located for a site for the Home. The government buildings already located upon this piece of reservation, at a very small outlay, could be made immediately available for the purpose of the Soldiers' and Sailors' Home, thus saving to the State, for the present at least, outlay in constructing buildings.

THE INSANE ASYLUM.

In the Insane Asylum its grounds and its appointments, the State owns a property valued at \$415,800. The affairs of this institution are, with few exceptions, in good condition, and upon the whole, managed with economy. Nevertheless the wants of the Asylum are numerous. Owing to its overcrowded condition, it is the opinion of the Asylum Commissioners that another asylum is needed and its construction in the northern

part of the State is suggested. Sufficient appropriation for an additional wing for males and a new building, in the place of the old one, for females, is asked for. The old building in its present condition is declared to be both unsafe and unhealthy. I do not understand that the apparent necessity for so much additional room is indicative of an excess of insanity among the native people, as compared with the mental condition in other States where the proportion to the population is less, but believe it must be ascribed to the cosmopolitan and itinerant character of a large per cent. of the people who come among us.

PUBLIC SCHOOLS.

The report of the Superintendent of Public Instruction, which will be laid before you, shows a condition of affairs in that department which, I think, cannot fail to inspire a proud sense of satisfaction among so public spirited a people as ours of Colorado. I feel that I am only doing justice to my own convictions to embrace this opportunity to say that a more faithful, capable and upright officer than Professor Dick the people of Colorado have never had in their service. The school department of our State has always been administered with conscientious earnestness, and generally with ability, but the term of Professor Dick will, I think, be found to constitute an era in its history of progress. Possessing an admirable administrative harmony he has drawn the ablest educators of the State to a cordial support of his efforts, and with their aid has diffused a fresh energy and a high professional spirit among the great body of teachers. For so high a duty so ably and so pleasantly done I do not think the fathers and mothers and teachers of the State would willingly see me withhold this public acknowledgement of the eminent service of Professor Dick. He has raised the standard of service in his department and has made the office of State Superintendent of Public Instruction more diffi-

cult to fill to the satisfaction of the people. His very excellent report so fully sets forth all necessary information as to the condition of our schools that I am relieved of the necessity of advising you thereon, further than to refer you to his report.

SCHOOL OF MINES.

The successful prosecution of mining, particularly for the precious metals, is dependent very largely upon the technical knowledge of such branches as are usually taught in a School of Mines. With this view the School of Mines at Golden was established. Its establishment contemplated extensive operations in the field, as well as a thorough study of mineralogy and the practical appliances in the school. The bill which has been for so long a time pending in Congress, providing certain funds to aid Colorado in support of this school, should it become a law, would give all the assistance necessary in the prosecution of field work, and be of incalculable benefit to the business of mining. Thus far, however, the school has been obliged to depend upon its own resources in this department, but the results have been as satisfactory as could be expected. During the past year an additional school building has been erected for the accommodation of the library, electrical department, museum, gymnasium and laboratory, at a cost of \$38,000. The year ends with nearly an even balance in the treasury. Among the improvements asked for is an addition building, or annex, devoted to appliances of mechanical engineering, at a cost of \$30,000, and an increase of laboratory space, at a cost of \$10,000. It is a reasonable proposition, that if the School of Mines were provided with ample funds to carry out all the purposes for which it was created, it would be fully remunerative in its operations, by teaching economical processes in all the departments of mining.

THE AGRICULTURAL COLLEGE.

The report of the Secretary of the State Board of Agricultural gives abundant evidence of the great usefulness of the Agricultural College, at Fort Collins, in the instruction of the students in the class-room and the field, laboratory and workshop; in the operations of the experiment stations, in determining different facts in connection with the cultivation and adaptability of different crops to this State, and its general work in the higher cultivation of the grains and grasses and other products of the farm. By decision of the Supreme Court, December, 1889, affecting appropriations for State institutions, a large part of the Agricultural College fund was withheld at a time when an additional building, for which the money withheld had been provided, was under construction. Under their contracts, the officers of the institution were obliged to complete the building. For this purpose they borrowed a sum amounting, in principal and interest, to \$9,584.96. The Board of Agriculture request that this money be refunded, and I respectfully recommend such legislation. From all sources the College will have a total fund of \$87,000 for support and expansion in 1891, and the outlook is promising. Owing to the impossibility of collecting agricultural statistics, the Secretary recommends that that department be abolished and the law in respect thereto repealed.

UNIVERSITY OF COLORADO.

This valuable institution of learning is conducted on business principles, and is in a sound financial condition. Recent improvements have added greatly to its facilities and accommodations for the work of its various departments. A new dormitory, for young women, is one of the improvements needed for future use.

THE DEAF AND BLIND.

The Colorado School for the Deaf and Blind is in a prosperous condition, with a present attendance of one hundred and forty. This institution is a special department of the public school system, seeking to develop the mental, moral and physical capabilities of the children who are deprived of one or more of their faculties. In this the school is doing good work; the children not only acquiring education, but learning various trades and accomplishing themselves in such arts as are within their limited capabilities. With a liberal appropriation, for the past two years, a commodious building for school purposes has been erected and other improvements made. For further improvements an appropriation of \$55,000 is asked. Among the more urgent needs of the institution is a new dormitory, the old one being regarded as the chief cause of sickness among the inmates.

THE INDUSTRIAL SCHOOL.

The State Industrial School at Golden is an institution of growing benefit. The average daily attendance at school during the past year was one hundred and forty-five. The appropriation of twenty thousand dollars, by the last General Assembly, for the erection of a much-needed addition, having been withdrawn under a decision of the Supreme Court, the building is crowded to its utmost capacity, and the sum of \$8,000 is now asked for the construction of additional room. The school is also in need of additional land for cultivation by the juvenile inmates.

I desire to impress upon your minds the necessity for some better and more humane provision for this institution. Only those are committed to this school who are of such tender years as precludes the supposition that they belong to the criminal classes. Many, perhaps most of them, are sent there for minor and venial offenses instigated or impelled by poverty and neglect.

Some, be it said with shame, are sent there on the complaint of parents for no better reason than to rid themselves of their natural obligations. We should not so conduct this institution as to beget in the tender and impressionable minds of the inmates the idea that they are already criminals and have already forfeited all consideration for the present and hope for the future. Let those having them in charge bear the relation of teachers, not guards. Provide means for educating them along the lines taught in our common schools, and instruct each of them in some useful trade that may hereafter provide them support. This institution stands in the place of a parent, and we have no right to assume charge of the lives of these boys and refuse the obligation to equip them for future citizenship. An ample appropriation should be made for educating them and for instructing them in the various useful trades, if we would not hereafter accuse ourselves of failing now to discharge our duty.

STATE NORMAL SCHOOL.

The State Normal School is a creation of the past year. With a view of completing the school system of the State, the friends of the public schools asked for its establishment. Such an institution is one of the urgent demands of a rapidly growing native population. Thus the young men and women of the State have as good opportunities for preparation for teaching as they can find in other States. It remains for the General Assembly to make such provision for the financial support of the Normal School as will meet its necessities. Nearly one hundred teachers are already in training, the school having opened its doors October 6, 1890. Thus far the State is indebted to the city of Greeley and the county of Weld for every dollar invested in this school. An appropriation is now asked for the construction of additional buildings and other needed improvements to meet pressing requirements.

STATE CAPITOL BUILDING.

The total available funds for the prosecution of work on the State Capitol Building, December 31, 1890, were as follows:

Balance on hand to credit of Capitol Building Fund	\$ 29,245 57
Capitol Building Bonds	150,000 00
For sale of lots	16,000 00
Total	<u>\$ 195,245 57</u>

That the progress of construction must necessarily be slow for want of ample funds is a misfortune. The objection of our citizens to voting additional money for the building must arise either from a false idea of economy, or from a want of understanding as to the urgent need and advantages of a permanent residence for the executive departments of the Government. Among the special funds, whose surplus is available, is the Internal Improvement Fund. I see no reason why the erection of the State Capitol building does not constitute in the completest sense the highest type of permanent internal improvements, and in attaining this view I see no reason why this fund could not immediately supply the means for carrying on the work of constructing a State Capitol building, pushing to the earliest possible completion this edifice which is so much demanded by the exigencies in the administration of State affairs, and will go so far in comporting with the dignity and prosperity of the commonwealth. The report of the Board of Capitol Managers sets forth in detail the progress of the work on the building and the requirements of the future.

NEGLIGENCE OF FELLOW-SERVANTS.

In justice to a numerous class of citizens of the State, I would respectfully recommend the enactment of a law imposing responsibility for injuries arising from the negligence of fellow-servants. Under the interpretation of the law by the State and Federal Courts, there is no re-

sponsibility for the maiming or killing of employés by accident, if there is evidence that another fellow employé is in any degree responsible for the action. The greater number of serious accidents occur through the neglect, the mistake, misfortune or other agency of the men in the same employment. The law now relieves the employer almost entirely of liability, and offers no recourse for employés. It would appear equally unfair, on the other hand, if the employers were held responsible for injuries under all circumstances. The responsibility should be so equitably divided that the question of the justness of all such claims, and the amount of damages demanded and paid, would be adjusted in accordance with the circumstances, after thorough investigation of each particular case.

INEQUALITIES OF ASSESSMENT.

In view of the growing inequalities of assessment which exist in some of the counties, I deem it advisable that some uniform schedule should be established, as far as practicable. It is shown in the Auditor's report that in one county the assessment upon animals, as for instance horses, is placed fully fifty per cent. more or less than the assessment on the same animals in another county. In some instances the assessment is excessive, while in others it is too small, by not less than one hundred per cent. of the customary tax levy. In reference to the discrepancy that is universal in assessors' returns between assessed and real values and numbers, I desire only to say that the State does not receive one-half the revenue to which it is entitled from taxation, and while no radical change is desirable, an improvement in this respect would add greatly to the welfare and revenue of the State.

SPECIAL TAXES FOR STATE INSTITUTIONS.

The maximum tax levied is at present four mills on the dollar. The special tax levied for various special purposes is one and 17-30 mills as follows:

Mute and Blind.	1-5
State University,	1-5
State Agricultural College	1-5
School of Mines.	1-5
Insane Asylum	1-5
Stock Inspection	1-15
Capitol Building	1-2

Leaving 2 and 13-30 for general purposes. It appears to me that these special taxes are out of all proportion to the amount levied for general revenue, except the capitol building tax. It appears to me further that in the case of the several institutions, each of which has one-fifth of a mill, some one or more at least must receive a larger amount for its yearly support and growing needs than it is entitled to, as compared with the demands of other institutions which receive an equal amount only. Under the Constitution, when the total assessed value shall have reached \$300,000,000, the highest rate of taxation must not thereafter exceed two mills. If these special institution taxes shall then continue, it would leave for the general revenue 13-30 of a mill only, less than one-half a mill. At the present ratio of increase in valuation, it is not improbable that our assessed valuation will reach \$300,000,000 within two years. As a matter of fact, if assessments were made as contemplated by law, our valuation for the purpose of taxation is far in excess of that sum to-day. I recommend your consideration of the suggestion that these special tax levies for these various institutions, except the capitol, be repealed, and that the legislature make direct appropriation in such an amount as the several institutions may need, and thus control from session to session the amount of money that is devoted to these various purposes and directing exactly their expenditure. Whatever sum is appropriated for the several

State institutions should be a sum certain and definite, and not a separate tax rate involving the wholly unnecessary labor of separate accounting without any possible advantage to the State or taxpayer.

EXCESSIVE APPROPRIATIONS.

After the decision of the Supreme Court, in answer to questions submitted to them from my office in September, 1889, the officers of State were compelled to declare certain appropriations, made by the Seventh General Assembly, unavailable. Thus there stand upon our statute books certain acts authorizing expenditures of money for purposes, more or less desirable, but with no fund available to carry out the acts, and with little prospect that the financial conditions in the near future will be more auspicious. I recommend the repeal of all acts of appropriation authorizing the expenditure of moneys beyond the estimated revenues of the State. In fact, in this line, I urge the repeal of all laws for appropriations not absolutely necessary for the government of State affairs and the advancement of the interest of the people. In this line of retrenchment all acts calling for appropriations from the general fund for the militia, or any officer thereof, should, in my opinion, be repealed and provision should be made that all such payments should come exclusively from the military poll-tax fund, which is entirely adequate.

REDUCING EXPENDITURES OF GOVERNMENT.

For the purpose mainly of gathering industrial labor and other statistics, and for the purpose of subjecting certain occupations to the supervision of the State, provision is now made under the law for various offices, which, in my opinion, might be consolidated under a general statistical head, and fully as efficacious results thereby secured with no little expense saved to the State.

STATE SUPPLIES.

The laws regarding the purchase of supplies for the various departments of the State should be more definite and specific. There are now provisions of a general nature for purchasing under written contracts, but often it happens that from failure to receive bids, inability to make satisfactory contracts, exhaustion of supplies purchased and other unforeseen contingencies, it becomes necessary to purchase special articles, or to procure special service, not covered by a contract made or provided in the statute. In all these latter instances, the action of the purchasing agent should require the previous sanction of the Governor, and all vouchers should be approved by both the Governor and Secretary of State, before payment. I also recommend the enactment of a law requiring the Secretary of State to take a receipt from the proper officer of each house, for all supplies furnished the General Assembly, and that proper regulations be made to hold that officer responsible for the proper disbursement of the same.

IRRIGATION.

Upon this most vital subject not enough can be said within the proper limits of this message to be of great service in your deliberations. The last Legislature provided for the appointment of a commission charged with the special duty of thoroughly considering the subject of the use of water in the various requirements of life, and to report such an entire system of laws to govern that subject as experience, guided by the decisions of our and other courts, appeared to them as advisable and necessary. With their reports should also be considered the very able report of the present State Engineer. It will appear from this last-named report, that no system of laws providing for State control of waters will be effective, in practical operation, unless ample and carefully guarded power is reposed in the officer mainly charged

with such control. Theoretical power, subject to be interfered with, is of little value or use, since the interference usually, perhaps always, comes when the interests most dependent upon water are the least able to afford the interference. Too great care cannot therefore be given such regulations as relate to the police power over the waters of the State, lest on the one hand no efficient practical power is conferred, or lest on the other too strenuous regulations fall within either constitutional or equitable prohibition. The importance of this subject in its relation to the material prosperity of the State is strikingly presented by the fact that there are now in the State more than ten thousand miles of ditches, 3,925,603 acres of land under ditch and 1,544,585 acres irrigated, as shown by the State Engineer's report. In this connection I desire to call your attention to that portion of the report of the State Engineer referring to the appropriations for internal improvements. The total sum of \$209,500 was originally appropriated. Of this sum \$96,386.07 remains unexpended in the treasury. This report will furnish you the necessary information as to the acts of the various boards appointed to carry on works of internal improvement.

COUNTY GOVERNMENT.

It is a matter of injustice to the people and a source of injury to the financial reputation of the State at large, that the commissioners of counties do, under the existing statutes, create county debts. A most stringent law should be enacted if we would prevent a continuance of this ruinous policy. The affairs of the counties of the State should be conducted from the revenues derived from taxation, and the expenses of any county should not be permitted to exceed that revenue. In a number of the counties of the State the warrants are far in excess of the revenue, and unless a halt is called in the management of the finances of some of the counties of the State, their condition will become such that it will be

almost impossible to conduct a county government therein.

REPORTS.

All reports which by law are required to be made to me, and which have been received, are herewith transmitted. I omit reference under special heads to the reports of the Adjutant General, Coal Mine Inspector, Metalliferous Mine Inspector, Dairy Commissioner, Fish Commissioner, Forest Commissioner, State Board of Dental Examiners, State Veterinary Sanitary Board and State Historical Society. By this omission I am not to be understood as detracting from the importance of such reports in a consideration of the condition of the State and a correct conception of its affairs. The special recommendations in each of these should receive your careful attention, coming as they do from officers well qualified to discharge their duties, and whose close and meritorious study of the various subjects committed to them make their opinions and recommendations more than ordinarily valuable, and will be an indispensable guide in your efforts for needed legislation.

CONCLUSION.

The necessity for the exercise of the greatest economy in appropriations for specific purposes, in providing for the administration of public affairs for the next two years, and in conducting the business of the Legislature itself, I am sure is fully impressed upon your minds. I have no hesitancy in saying that I believe the people of Colorado have confidence that your acts in these regards will be marked by the highest type of intelligence and the truest conception of public duty.

The decision of our Supreme Court makes it imperative that appropriations should not exceed the estimated annual revenues. There are appropriations that are absolutely necessary and must be made; make no others

until just and proper provision is made for the payment of outstanding warrants.

In relinquishing the high trust committed to my charge, I desire to express my appreciation of the uniform kindness and courtesy with which my associates in the various departments of the State government have responded to every request made for information and advice that would aid me in the discharge of my duties; and to the people of Colorado for the steadfast confidence and support which they have given me in my efforts to execute the laws with fidelity.

With these recommendations and suggestions, I invoke the favor of Almighty God that He may help you to serve wisely and well the State of Colorado.

JOB A. COOPER.

