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INAUGURAL ADDRESS

OF

Governor John L. Routt

TO THE

EIGHTH GENERAL ASSEMBLY

OF THE

STATE OF COLORADO.

JANUARY, 1891.



DENVER, COLORADO:
THE COLLIER & CLEVELAND LITH. CO., STATE PRINTERS.
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*Gentlemen of the Senate and
House of Representatives:*

At the commencement of the present session, my predecessor submitted to you a message in which he reviewed the present financial condition of the State; also the status of the various institutions under State control. He has recommended for your consideration such subjects as he believed required legislation at your hands, and it gives me pleasure to be able to concur in most of the suggestions which he has made to you.

I am, therefore, relieved from the duty of discussing many of the subjects which he has so ably treated, and at this stage of your session, many bills have been introduced and are now pending before your respective bodies, covering most of the measures recommended.

I shall not discuss many of the matters referred to by His Excellency, except by way of a few brief suggestions of a general character.

Before entering upon the discharge of my duties as Chief Executive of the State, I desire to express my sincere thanks and obligations to the people of Colorado, who have, for the second time, honored me by their suffrages, and as I assume the responsibilities devolving upon me, I may be permitted to express the hope that my official acts may merit their continued approval.

Having heretofore served a term each as Territorial and State Executive, I feel that the experience of the past may be of some service to me, in an honest endeavor to see that the laws are faithfully executed without fear or favor.

And now, gentlemen, permit me to congratulate you upon being members of the Eighth General Assembly, for upon you rests the responsibility of making our laws, and I trust that in your legislation you will have an eye single to the promotion of the general welfare of the whole people of the State. To this end it will be my greatest pleasure and chief aim to co-operate.

The people expect much at your hands; they are looking to you for a correction of some of the errors which have, from time to time, crept into our legislation, since the organization of the State, and they require purity, integrity and the strictest economy in the discharge of official obligations.

STATE FINANCES.

One of the most difficult and important subjects which will come before your honorable body requiring legislation, is the question of the State finances.

By reference to the reports of the State Treasurer and Attorney-General, it will be seen that there is now in the State treasury something over six hundred thousand dollars of State warrants, which have been taken up and paid out of the school and other investment funds, and are held as a part of the assets of said funds.

Much talk and newspaper comment has been indulged in, as to the legality of these warrants—so much so as to impair, to some extent, the credit of the State in the

estimation of strangers and citizens of other States who are unfamiliar with the reasons governing their issuance. For these and other reasons, His Excellency, Governor Cooper, at the suggestion of the Attorney-General, decided to submit to the Supreme Court, the questions of the "constitutional powers and limitations in the matter of appropriations and the issuance of warrants on the general revenue of the State."

In the decision of the questions submitted, the court held "that no warrants could be drawn in any year in excess of the revenues of that year, and that warrants drawn against the revenues of any particular year, cannot be paid out of the revenues of any other year." In short, each year must provide for itself. In the light of the above decision, the question naturally arises as to whether a law can now be passed authorizing the *ultimate* payment of these warrants. For the answer to this question, I respectfully call your attention to the very able and exhaustive argument presented by the Attorney-General, and especially to that portion of it embracing his recommendations on this subject.

If a law be passed in accordance with his recommendations, *validating* these warrants, and providing for the ultimate payment thereof, together with the accumulated interest thereon, the School and other investment funds will be protected against loss; and, in my opinion, with this guarantee, if the interest be promptly paid, the principal might run for a term of years.

The first step toward the accomplishment of this very desirable object is to keep the appropriations below the Constitutional limit; for there is no way that these war-

rants can be paid, except from the surplus revenues over and above the annual appropriations for other purposes. The fallacy of creating indebtedness without providing for the payment of the same, is ruinous to the credit of the State, and should be avoided, even at the expense of what some may think a needed appropriation.

From my personal acquaintance with most of the members of this General Assembly, I have every reason to believe, and do believe, that the determination to provide for the payment of our honest debts, and to keep below the Constitutional limit in your appropriations, will be the controlling motive in all your legislative proceedings.

STATE CAPITOL BUILDING.

I respectfully call your attention to the Fourth Biennial Report of the Board of Capitol Managers, in which the transactions of the Board are fully set forth, showing in detail the receipts and disbursements for the past two years.

The last General Assembly passed a law authorizing the Board to use in the superstructure of the building, granite in place of sand-stone. Soon after the passage of the bill, the Board proceeded to examine the various granite quarries of the State, and after a very careful and thorough investigation of the same, decided to use the stone from the Zugelder quarry, in Gunnison county. The color of this granite is a very light gray, and of a most excellent quality and even texture, free from spots and mineral stains. It has been subjected to a thorough scientific test, and its crushing strain is found to be 15,179 pounds to the square inch, which shows its marvelous strength.

Since the substitution of granite for sand-stone, the contractors have made very satisfactory progress in the work of construction. They have one of the finest and best equipped plants in the United States, and have every facility for doing work with dispatch.

The materials used are of the best quality, and the construction is fully up to the requirements of the contract. The stone, brick and mortar are closely scrutinized by the superintendents as they are placed in the walls.

Having been connected with the Board from its first organization, and from my personal inspection of the work as it has progressed, from the beginning, I may be pardoned for expressing my unqualified approval of the work done on the building to the present time.

The last General Assembly passed a law authorizing the creation of an additional bonded indebtedness of two hundred and fifty thousand dollars, to aid in the construction of the "State Capitol Building," and providing for the submission of the same to a vote of the qualified electors of the State, for their ratification or rejection, at the general election, November 5, 1889. Accordingly, the question was submitted as provided in the bill, and the people failed to vote for the bonds, as I believe, through a misunderstanding of the merits of the proposition.

If this question were properly placed before the voters of the State, I have no doubt but that it would be adopted by an almost unanimous vote.

A careful review of the subject will convince every intelligent citizen of Colorado that a building of the magnitude of the State Capitol cannot be erected from

the revenues arising from direct taxation, within a reasonable period. For it would require ten years from the present time to complete the building with the funds derived from the one-half mill tax.

By reason of the failure to vote for the bonds, at the present rate of construction, the funds on hand will be exhausted by the middle of August next, and work will necessarily be suspended, unless your honorable body make some provision to tide over until such time as the question of voting additional bonds can be submitted to the people.

The funds which are now and will hereafter become available, are as follows:

Cash in the Treasury	\$58,869 06
Capitol Building Bonds	150,000 00
Taxes for year 1890 (estimated)	90,000 00
Balance due on lots sold	16,000 00
Total	\$314,869 06 *

It will be economy to issue bonds, and I submit that it is not just to our present population to require them to pay the entire cost of the building. Therefore, by the issuance of bonds, bearing a low rate of interest, and running for the longest time authorized by the Constitution, the future population will assist in paying the debt, and the present tax-payers of Colorado will not feel the burden of excessive taxation.

I therefore most earnestly recommend that you pass a law authorizing the creation of an additional bonded indebtedness of three hundred thousand dollars, to aid in the construction of the Capitol building, and providing for the submission of the same to the qualified electors of the State at the next general election.

STATE LANDS.

Under the provisions of the Enabling Act, the General Government granted to the State of Colorado, to be used for certain designated purposes, 656,160 acres of land, and also an additional grant of 90,000 acres, to be used for the benefit of the State Agricultural College, making a total of 746,160 acres.

These lands were all selected under the direction of the State Board of Land Commissioners, and are among the very best in the State.

These grants are in addition to the sixteenth and thirty-sixth sections, given for the benefit of public schools, which will amount to 3,500,000 acres more, making a grand total of 4,246,160 acres.

Of the 746,160 acres of selected lands, 343,416 have been sold, and 186,662 are now under lease, yielding an annual income of \$12,123.92.

Of the 3,500,000 acres of the Public School Lands, 66,190 have been sold, and 936,560 are also under lease, yielding a revenue of \$69,648.00 per annum.

It will be seen from these figures that the State is now receiving an annual income from leased lands amounting to \$81,776.96.

The greater portion of the 343,416 acres first sold, was purchased by ditch companies, under the provisions of a law passed in 1883.

At that time it was believed by the State Board to be for the best interest of the State to sell the alternate quarter sections at a low figure to these companies, in consideration that said companies would construct canals of sufficient capacity to carry sufficient water to cover

not only the lands purchased, but also the State's alternate quarter sections, the companies agreeing to furnish water to the State's lands, at a price to be fixed by the Board of County Commissioners of the county in which the lands were situated.

It would have been sound policy if the State had withheld its portion of land from sale for at least a few years, and thereby receive the full benefit arising from the increase in value.

On the contrary, and in some instances before the ditches were completed, the companies made application to purchase, and did purchase, the remainder of the State's lands, at a price very little above that paid for the land first sold to them.

I believe that the selling of the last half of the land to the same companies was a mistake. It should have been retained by the State, and sold in small bodies to actual settlers when needed by them for homes.

Since the selection of these lands, a great difference of opinion has existed as to the best disposition to be made of them.

I have always held to the opinion expressed in my message to the first State legislature, as follows:

“That a large portion of the agricultural and best
“grazing lands should be withheld from sale *and leased*
“*for a term of years*, thus securing the advantages arising from the increase in population and the natural
“growth and improvement of the country.”

Of the 3,500,000 acres of public school lands, there are about 660,000 that are classed as indemnity lands, and were granted to the State in lieu of lands lost, by reason of previous settlement, mineral restrictions, private land grants, and Indian and military reservations.

About 500,000 acres of this class of land have been already selected in large bodies and *generally* in agricultural districts.

I would favor the sale of one-half of lands situated as these are, to ditch companies, on terms similar to those embraced in a contract recently made by the State Land Board with the Colorado Land and Water Company.

This contract provides for the sale of the alternate half-sections, and requires that the company construct irrigating canals large enough to supply water to all the lands under them, including the State lands.

It further provides that said company shall lease the State's half for a term of five years, and binding itself to "cause the water from the canal to be applied to all of the lands so leased, in such beneficial way and manner as to constitute a permanent water right, and also the right to demand and receive from said company water therefor, to attach and become appurtenant thereto."

In other words, the contract requires the company to make a legal appropriation of water, by an actual application of it to the land.

This is certainly a very favorable contract for the State, and it is, in my judgment, the correct solution of the land problem, for, under the decision of the Supreme Court, the water must be applied to the land, or to some other beneficial use. So the company, in order to comply with this construction of the Constitution, must improve and cultivate the land, and if this be done, most of the State land under the ditch will become improved farms, before the expiration of the five

years' lease. The State Board can then either re-lease, or sell to actual settlers in small tracts for homes, as, in their judgment, will bring the largest revenue to the School Fund. By this means the State will derive the full benefit arising from natural growth and improvement of the country.

In view of the above facts, I consider the 500,000 acres of the Indemnity Lands to be of more value than all of the remaining 3,000,000 acres embraced in the sixteenth and thirty-sixth sections, for a large majority of the latter are either out on the plains beyond the reach of water, or in the rough and rocky land of the foot-hills and mountains, and are only valuable for grazing purposes.

I would, therefore, recommend that the law relating to the sale of State land be so amended as to provide that whenever any of such lands shall be sold to ditch or canal companies, that they shall be required to lease the portion of such lands remaining in the State at a fair rental, and shall also cause an actual appropriation of water from such canals to be made thereto in such manner as to constitute a legal appropriations of water for such lands.

IRRIGATION.

The subject of irrigation is, perhaps, attracting as much attention at the present time as any one question which will come before you during your present session, and it will require as much thought and careful consideration as any with which you will have to deal.

There is a wide-spread feeling on this subject, and in some sections of the State the people are holding meetings for the discussion of the various phases of the water

question, and especially as to the priority of rights and the use of water for domestic purposes.

There is a great diversity of opinion on these matters, and it will continue to exist, until such time as the meaning of the phrase, "the use of water for domestic purposes," is determined by a decision of the Supreme Court.

I would, therefore, call your attention to the treatment of this particular subject in the bills which have been prepared and presented for your consideration by both the majority and minority of the Commission appointed by His Excellency, the Governor, to revise the laws of the State regulating the appropriation, distribution and use of water. They have, after a very thorough study and careful review of the matters referred to them, prepared bills setting forth their views, which they believe cover and provide for every phase of this question.

It will not, therefore, be necessary for me to offer any suggestions on the subjects which have been so exhaustively treated by them.

I may be pardoned, however, for calling your attention to another branch of this subject—that of "Reservoirs."

I have always advocated the construction of large reservoirs, wherever practicable, for the storage of water, and I firmly believe that a general system of reservoirs will do more toward the final reclamation of our arid lands than all other means combined.

I may be permitted to call your attention to a paragraph on this subject contained in a former message of mine, submitted November 3, 1876, to wit:

“The filling of these reservoirs during times of high water, in spring and early summer, would work no injury to farms along the streams, while from the supply thus obtained, large arid tracts of country, with no natural water courses, could be reclaimed and made productive.

“The expense of executing such a work on a sufficiently large scale, is too great to be undertaken by the State, at present, or by individual enterprise, and as the General Government has made to other States large grants of swamp lands, which by labor and the expenditure of money have become very valuable, why should not we, with our vast unproductive plains, ask the Government to assist us in like manner by a grant of lands, which would enable the State to accomplish this most desirable object?

“I would, therefore, recommend that you, by memorial, assist our Senators and Representative in the Congress of the United States to secure the desired end.”

I, therefore, most respectfully and earnestly reiterate my former recommendation, for I do not believe that the General Government will ever appropriate money to construct reservoirs in this or any other State, and if we ever receive any assistance from that source, it will necessarily be by a donation of public lands for that purpose.

AUSTRALIAN BALLOT.

The people of the State, without regard to party predilections, are demanding a reform in the conduct of our elections; they have become thoroughly aroused by the methods and abuses which are resorted to,—especially in the large cities, so great is the dissatisfaction that many of our reputable citizens decline to take part in them.

While this state of feeling exists, it is evident that something is radically wrong: either the laws are defective, or they are not properly executed.

I hope, therefore, that you will pass an election law, embracing the main features of the Australian system. Several of our sister States have adopted it, with very satisfactory results.

I have very carefully examined the Wyoming law, based upon this system, and I believe that it embodies the essential features necessary to effectually guard the registration and the manner of voting at the polls, thus securing to each elector the right to cast an unbiased vote, in accordance with the dictates of his own conscience.

I further recommend that the same rules governing general elections, also be made applicable to the primaries, in order to prevent, if possible, the rascally methods that are continually being perpetrated at such elections. As they have been conducted, the honest voter has had but little to say in the selection of candidates to be voted for at the general elections.

There is no provision in the Australian system for numbering the ballots, as is required by our Constitution. However, this can be easily remedied.

RAILROAD LAW.

The Republican and Democratic parties, in their last State Conventions, by a unanimous vote, passed resolutions advocating the enactment of a Railroad Law.

The unanimity with which these resolutions were passed by the delegates representing all sections of the State, is an *unerring* indication of the sentiment of the people on this subject.

Similar resolutions have been adopted by former conventions, but without results, and, in order that you

may have the matter properly before you, I will quote the resolutions:

“*Resolved*, That the interests of the people of the State require of the next Legislature the passage of a wise and judicious Railroad Law, one in its terms that will be just and fair both to the people and to the railroad corporations; that we believe the public welfare will be best promoted by the appointment of a Railroad Commission, composed of three men, thoroughly acquainted with the commercial and economic conditions of the State; and that, to the end that the rights of the people may be subserved, and the interests of the State fostered, we demand that, whatever Railroad Law is passed shall invest such Commission with the power to revise the rates of the carriage of either passengers or freight.”—*Republican*.

“We hold the railways of the State are public highways, and as such amenable to regulation by the State, and that railway companies should be compelled to operate their lines for the benefit of the public, for a fair compensation and without discrimination; and we demand such effective, but careful, fair and well considered legislation, as will hold them to their legal obligations.”—*Democratic*.

I trust that you will carefully consider these resolutions, and evolve from them an effective, wise and judicious law, which will be just and fair alike to the people and to the railroad companies, and providing for the creation of a Commission consisting of three persons, empowering them to fully execute and enforce the provisions of the law.

FEES AND SALARIES.

Owing to the growth and rapid increase in business in the more populous counties of the State, the statutory fees which the county officers have been receiving are largely disproportioned to the amount of labor performed and responsibility incurred in such offices, and

are much larger than it was contemplated they should receive when the present fee system was established.

You should, in my judgment, substitute a system of salaries, instead of the present method of payment to such officers; and, in order to do this equitably, it will be necessary to reclassify the counties of the State, and to grade the salaries to be paid to such officers, upon the basis of the population of the respective counties. As a new federal census has just been completed, this can easily be done.

I would recommend that a bill be passed on this subject, with provisions similar to those in force at present relating to State officers, and I would suggest that the same be made broad enough in its provisions to cover all public offices, including justices of the peace.

Such bills should regulate all fees to be paid for the services of all such officers, and provide that every officer receiving fees from any source whatever, should at certain stated times make a full report, under oath, to the proper custodian of public funds, and upon the allowance of the amount of salary due to such officer, the balance should be turned into the public treasury. The salaries to be paid to such officers should be fixed at an amount that will justify competent persons in devoting their time and labors to the duties thereof, and such as would be fair compensation for the responsibility assumed and actual labor performed. Such a law would, in my judgment, prevent many of the evils at present attending our elections, and result in the saving of thousands of dollars annually to the public.

INTEREST ON PUBLIC FUNDS.

The practice of loaning money by officers who are the custodians of public funds, and using the profits arising therefrom for their personal use and benefit, has given rise to much discussion, and has been the subject of litigation in the courts.

After a thorough investigation of the matter, I am unable to find any authority, either in the Constitution or in the law, for the loaning of public funds. On the contrary, it is absolutely prohibited.

I find nothing, however, in the Constitution preventing the State from receiving interest on deposits of its own money, for its own benefit, if a law be passed enabling it so to do.

I would favor a law authorizing the State Treasurer to receive interest for the use of State funds, for the benefit of the State (when such funds are not required for immediate use), and requiring such officers to make semi-annual statements and returns, under oath, showing in detail the amount of money so used, and the profits arising therefrom, for the previous half year.

I would also suggest that the provisions of the law be made applicable to county, city and other treasurers, who are responsible for the handling and safe keeping of public funds, and that penalties be provided for the violation thereof.

METALLIFEROUS MINES.

The last General Assembly passed an act dividing the State into three Mining Districts, and providing for the appointment of an inspector of metalliferous mines, together with an assistant for each district, with certain

powers and duties in relation to the inspection of all such mines. I am of the opinion that this act does not contain the provisions necessary to effectuate the object which was sought to be attained.

It should provide for the establishment of a method for the conscientious and thorough collection of all statistics relating to such mines, and the working thereof, and a place and manner of tabulating and preserving such statistics, so that the public, or any person interested in such matters, could have an easy and convenient means of procuring the desired information.

The accumulation of these statistics, in my judgment, is the principle benefit to be derived from such inspection. California, and some other mining States, have established what is called a Bureau of Mining Statistics, and the operation thereof has resulted in great satisfaction and public convenience.

Such a bureau could be established in this State without any increased expenditure of money.

These statistics should embrace every fact and feature connected with the production of ores that is obtainable, showing the formation of rocks in which the mines are located, character of ore, amount produced in tons, and value thereof, cost of production, and every other fact connected therewith.

Inasmuch as Colorado is the leading mineral producing State in the Union, the pleasure and benefits to be derived from a proper and careful compilation of our mining statistics, will be readily apparent.

I would recommend that you so amend the law above referred to that it may conform to the suggestions herein contained.

THE WORLD'S COLUMBIAN EXPOSITION.

At the City of Chicago, Illinois, in 1893, will be held a celebration of the four hundredth anniversary of the discovery of America, to be known as the World's Columbian Exposition.

It is proposed to hold a grand international exposition of arts, industries, manufactures and products of the world.

The Congress of the United States has ratified the plan by the passage of an act establishing it on a national basis, and making it a national institution.

Every patriotic citizen of our common country will take pride in the magnificent results which will undoubtedly be produced.

The various States of the Union, will, I apprehend, without an exception, provide for the making of an exhibit which will creditably represent its resources.

If we had the financial ability, I believe that the State of Colorado would successfully compete for the prize in this great enterprise, for in no other State are the natural resources as varied or as extensive as in our own.

I am heartily in favor of the passage of a bill by you, providing for the organization and establishment of a proper agency for carrying on this work, as I believe we should do all we can with the limited means we have and will have at our disposal.

The only recommendation which I would offer in regard to this matter, is that in the framing and passage of such bill, the actual condition of our finances be kept in mind.

STATE BOARD OF CHARITIES.

Within the past few years, a number of the best men and women of the State have been zealously working in the cause of charity; their labors have been arduous and incessant, and they have accomplished much in giving relief to the unfortunate and needy, and they deserve the gratitude and esteem of every good citizen of the commonwealth.

They feel the need of State recognition, to enable them to extend their sphere of usefulness, and they are asking for the passage of a law by this General Assembly, establishing a State Board of Charities

This is no experiment, as similar institutions have been established in eighteen States of the Union, and the beneficial results arising from such organizations are proven beyond question.

I would recommend the enactment of a judicious law, creating a board, and vesting it with power and authority to visit and investigate the various penal and reformatory institutions of the State, and requiring such board to make semi-annual reports of its proceedings, together with such recommendations as they may deem advisable.

APPROPRIATIONS.

The present General Assembly will doubtless be asked to consider many measures, which, if they become laws, will require large appropriations. In many cases the objects may be worthy of consideration, and were the State's finances in a more flourishing condition, it might be wisdom to make appropriations for these objects, but we are admonished by the recent decision of the Supreme Court, not to exceed the Constitutional

limit in our appropriations, and I may be pardoned in expressing the hope that you will prepare and pass a general appropriation bill, early in your session, and before other appropriations are made for special purposes.

CONCLUSION.

Many other matters of general interest might be referred to at this time, but fearing to trespass further upon your time, and inasmuch as it is shown by the able and exhaustive message of my predecessor that the various State institutions are in a satisfactory and prosperous condition, and the affairs of the State generally are such as to be a subject of hearty congratulation, it will not be necessary to make any extended reference to them.

A great responsibility rests upon you, for upon the character of the measures which may be enacted at your present session, the future welfare of the State will largely depend; and I trust and believe that when the result of your labors shall have been made public, they will merit and justly receive the hearty and unanimous approval of a grateful constituency.

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