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—SECOND—

BIENNIAL MESSAGE

—OF—

HIS EXCELLENCY,

FREDERICK W. PITKIN,

COLORADO COLLECTION,
TO THE TWO BRANCHES
OF THE CITY OF DENVER.

—OF THE—

LEGISLATURE OF COLORADO,

JANUARY 4TH, 1883.

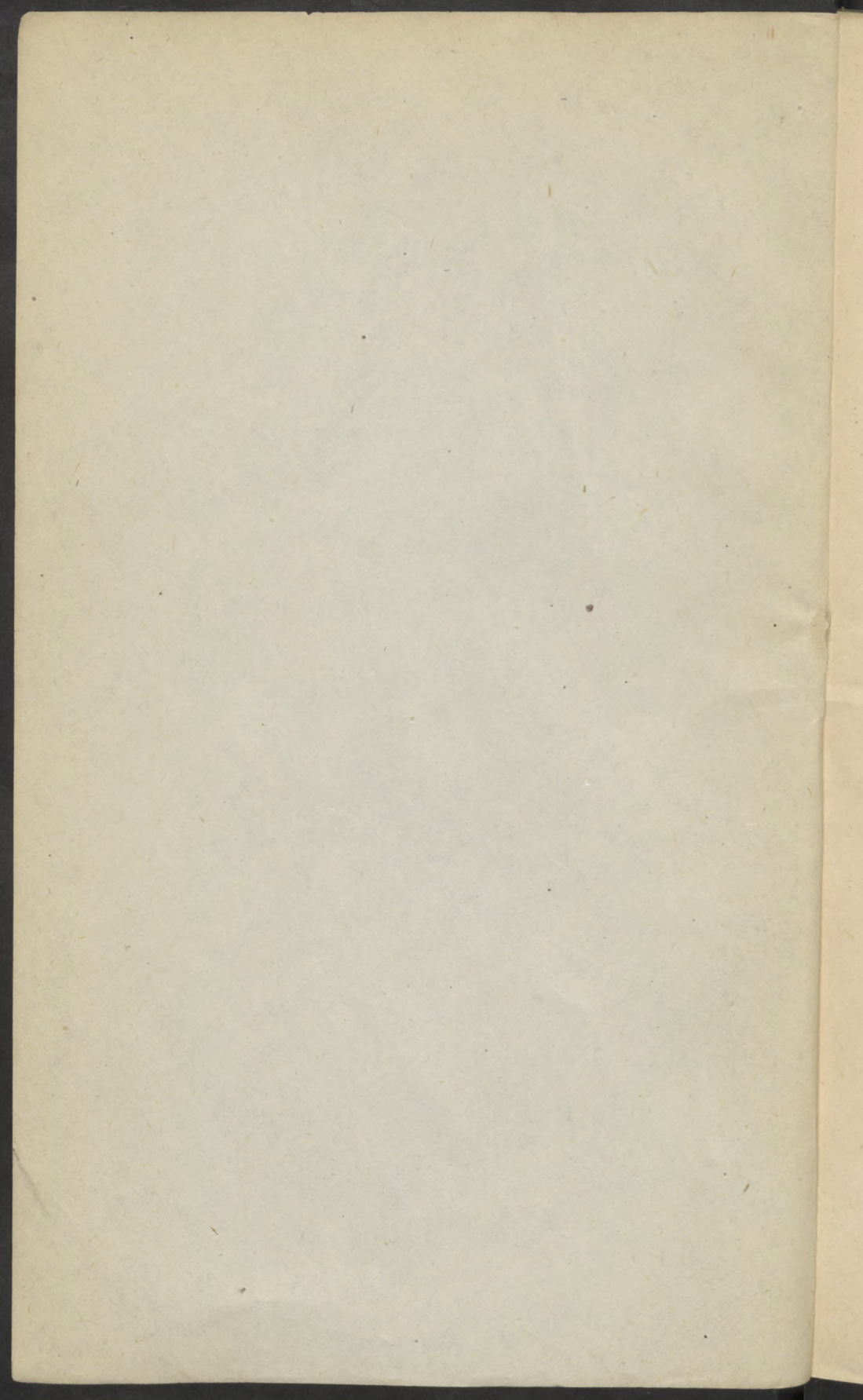
DENVER:
DAILY TIMES STEAM PRINTING HOUSE AND BOOK MANUFACTORY.
1883.

BIENNIAL MESSAGE

FREDERICK W. PITKIN

LEGISLATURE OF COLORADO

JANUARY 11, 1891



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LEGISLATURE OF COLORADO

JANUARY 1884

DEWEY
SHEPHERDSON, PRINTERS AND BOOK BOUNDERS,
DENVER, COLO.

SECOND BIENNIAL MESSAGE

OF

GOVERNOR PITKIN.

Gentlemen of the Senate

and of the House of Representatives :

Since the assembling of the last Legislature, the State has enjoyed two years of uninterrupted prosperity. There have been no serious apprehensions among the frontier settlements of dangers from hostile Indians, no internal disturbances have jeopardized the peace of any community, the laws have been generally respected and obeyed, and all branches of industry and trade have been prospered to an unprecedented extent. It is believed that the mineral product of the State for the year 1882 will exceed \$26,000,000, being about \$3,000,000 more than has been produced in any former year, and being largely in excess of the product of any other State. In no preceding year have the stock interests proven so profitable to the stockmen.

More land has been brought under irrigating ditches and put in cultivation in 1882 than in any former year, and the harvests have been unusually remunerative to the farmers.

You are now assembled pursuant to the requirements of the Constitution to enact such measures as will best promote the interests and welfare of the public.

We have passed the formative period in our history. Although the State is both peaceable and prosperous, the responsibilities which devolve upon you as the representatives of the people, are very grave. Our statutes are far from perfect. Much may be done by wise legislation to improve the laws for the protection of our various industries and of the interests of many classes of our citizens.

The first obstacle which you will encounter, and it seems almost insurmountable, is the fact that your session is limited to forty days. A large proportion of your members have not had previous legislative experience, and if every member had had full opportunities of becoming familiar with the affairs of the State, even then the period fixed by law is too short for a thorough examination and an intelligent comprehension of all the subjects requiring legislation, and of the phraseology and provisions of the bills designed to afford the desired relief. More than half the session will have passed before the different bills will have been introduced. Most of the legislation will naturally be accomplished within a few days, immediately prior to the close of the session. And unless you shall be more happy in your labors than your predecessors, in the haste and confusion of the closing hours, bills will be passed which will be so imperfect in detail, as to utterly fail to accomplish the beneficent purposes for which they were intended.

It is often claimed that we have too much legislation. This arises in a great measure from the brevity of the sessions, and the inconsiderate action thereby occasioned. The members are too much interested in procuring the passage of new bills, which they individually deem of special importance, to give attention to the defective enactments of previous legislatures. If the time was extended we might hope to eliminate from the statutes much of the worthless and objectionable legislation of the past. The State is often more benefited by repealing acts which have been proven to be unwise, than by new enactments, which, at the best, are experimental and of doubtful value.

In accordance with the requirements of the constitution, I now submit such information, suggestions and recommendations as seem to me to be of special importance. But as the distinguished gentleman who has been chosen by the people of the State as my successor, will in a few days communicate to you the views which, in his judgment should control his administration, I shall make my suggestions as brief as the various and important matters requiring attention will permit.

REPORTS OF STATE OFFICERS AND STATE INSTITUTIONS.

I herewith transmit to you the reports of each of the State officers and of the officers in charge of each of the State institutions. These reports are more complete and exhaustive than have been submitted in any former year, and contain many recommendations which I regard of great importance. They will doubtless be carefully examined and considered by the appropriate committees of your Honorable Body, to whom they will be referred, and it will therefore be unnecessary for me to re-state all the information and suggestions they contain. I would respectfully ask for them your careful consideration, as they contain the conclusions which have been reached after long experience by the gentlemen having immediate charge of these respective public trusts.

FINANCES.

The reports of the Auditor and State Treasurer show that the financial affairs of the State are in a more satisfactory condition than at any previous period in our history. These reports represent the condition of the State Treasury November 30, 1882, to be as follows:

Warrants outstanding	\$138,551 28
Certificates of indebtedness	95,137 00
	<hr/>
Total debt	\$233,688 28
Deduct cash in Treasury	188,616 65
	<hr/>
Indebtedness over cash in Treasury	\$45,071,63
Amount due State on taxes payable Jan. 1,	
1883.	\$417,762 73
Deduct outstanding indebtedness	45,071 63
	<hr/>
Balance due above indebtedness	\$372,691 10

The above amount, representing what is due the State on taxes payable January 1, 1883, does not include delinquent taxes of former years, from which a large sum will be collected. There are a few further unadjusted claims against the State, specifically referred to in the report of the State Auditor, and also claims which have been allowed since November 30, 1882, for which provision should be made by the Legislature. The Auditor's office will contain all the necessary information which may be desired by the Committee on Appropriations up to the time when they shall be prepared to introduce their Appropriation Bill. The report of the State Treasurer shows the great reduction in the amount of interest paid during the last two years, and the report of the State Auditor contains the estimates for the appropriations, which should be made by your Honorable Body, which in my judgment are substantially correct. Both reports contain many recommendations for which I ask especial consideration. I believe that the financial affairs of the State during the past two years have been entrusted to most competent hands, and that the State Treasurer and State Auditor have administered the affairs of their offices with honesty and fidelity. The last Legislative Committee on Appropriations advised smaller appropriations than those contained in the estimates of the Auditor sub-

mitted at that time. The result has been that most of the funds were exhausted before the expiration of the fiscal years.

The amount appropriated for the expenses of the last Legislature were less than the actual expenses of that body as approved by its officers. The appropriation for salaries of State officers was about twenty thousand dollars less than the salaries fixed by law for these officers. The actual expenses of many of the State institutions could only be approximately estimated, as they would depend upon the number of inmates and upon the growth of the State. No legislative body could foretell to what extent crime, insanity and misfortunes would make demands upon State institutions. Where the expenses have exceeded the appropriations, I believe they have been rendered necessary by the condition of affairs, over which the Legislature, State officers and officers of the public institutions had no control.

STATE INSTITUTIONS.

It has been the policy of preceding Legislatures, beginning in Territorial days and continued until now, to encourage and foster the various educational, charitable and penal institutions of Colorado. This has been done, not by the issuing of bonds and the creation of permanent indebtedness, but by levying an annual tax each year for these purposes, so small that the burden has scarcely been felt by the tax payers. The result of this system of legislation, adhered to for a series of years, is the existence to-day of State institutions which compare favorably with those of any other State in the Union, when considered with reference to the population of the State.

In my last biennial message, I recommended that committees be appointed by the General Assembly to visit the State institutions, and to report upon their condi-

tion after a thorough personal inspection. This suggestion was favorably acted upon with reference to three of these institutions. I again renew the recommendation, with the hope that one or more legislative committees may be appointed, which shall visit each of the institutions under the control of the State. After a personal inspection, by disinterested parties, their report will be of far more value to the General Assembly than the reports of the officers in immediate charge of their affairs.

I will refer in detail to the reports of the officers of these institutions.

PENITENTIARY.

The increase in our prison population has corresponded with the marvelous growth of the State. In my message to the last General Assembly, I stated that the number of convicts in the Penitentiary November 30th, 1878, was 146, and on the 30th of November, 1880, there were 226, being an increase of nearly fifty-five per cent. in two years. The reports of the officers of the Penitentiary, herewith submitted, show that the number of convicts on the 30th of November, 1882, was 322, an increase of $45\frac{1}{2}$ per cent. during the past two years. At the present time there are 329, of which 36 are life convicts. So long as there continues to be such a large accession to the number of convicts, requiring frequent enlargement of the institution for their accommodation, the Penitentiary must continue to be a burden to the tax payers. During the last two years 114 new cells have been constructed, making, in the aggregate, cell accommodations for only 284 prisoners. The consequence is that the officers are obliged to put two men in cells $4 \times 7\frac{1}{2}$ feet in size. The erection of a new cell building has been commenced. Several large and substantial buildings have been constructed during the two years, for a detailed description of which I would refer you to the report of the commissioners of the institution. These buildings

have all been the work of convict labor. The cost of raw material purchased for them, including material for putting in water and steam, was \$45,813.68, and the value of the improvements made is estimated at \$128,900.00. The total amount of vouchers issued during the past two years was \$204,736.04. The last Legislature appropriated \$90,000 and the earnings for the two years. These earnings were \$50,780.44, of which, however, \$4,376.84 was, on the first day of December, 1882, in the nature of accounts due the institution, leaving \$55,410.30 as the amount of money given to the State treasury on account of convict earnings during the two years. The vouchers issued in excess of the appropriation, and cash earnings turned into the treasury, were \$59,010.20, for which amount certificates of indebtedness have been issued. That amount, however, does not properly represent the amount of the excess of expenditures over and above the appropriation, as the institution is entitled to credit as follows:

Balance due on account from convict earnings - \$	4,376.84
Amount of supplies, etc., as per inventory, on hand Dec. 1st, 1882, in excess of same Dec. 1st, 1880,	14,846.43
Property on hand, forming working capital in the lime business, established during the two years,	30,000.00

Making a total credit of \$49,223.27, which amount taken from \$59,010.20, leaves \$9,786.93 as the actual deficit of the institution for the two years. By reference to the last Penitentiary report, it will be noticed that the appropriation asked for was \$98,000, of which sum only \$8,000 was to be employed for permanent improvements. The amount of \$90,000 was appropriated, so that, in fact, no appropriation was allowed for improvements. That the officers of the institution have been able to expend \$45,813.68 for raw material for improvements, and make

improvements for the benefit of the State to the extent of \$128,900.00, with only an actual deficit of \$9,786.93, is assuredly much to their credit.

The appropriation asked for two years ago was based upon an average prison population of 250, and upon the cost of provisions, etc., being the same as it had been during the preceding term. As will be seen by reference to the report, the average increase in the price of provisions during the past two years over the average cost of the preceding two years added nearly \$6,000 to the expense of maintenance above the estimate upon which the cash appropriation was made, which would still more reduce the deficit, leaving it less than \$4,000. I have thus particularized the financial affairs of the institution, in justice to its officers, who have labored zealously to try and keep the expenditures within the appropriation, but the large accession to the number of convicts left them no alternative but to provide accommodations for them. Upon the recommendations of the officers of the institution, endorsed by me in my last message, the last General Assembly enacted a law authorizing the purchase of some land, upon a portion of which was a lime ridge. The purchase was made, and a business of burning and selling lime has been established, which has materially added to the cash earnings of the Penitentiary, nearly \$30,000 worth of lime having been sold, and that business is now a permanent industry of the institution.

This will continue to afford profitable employment for a large number of prisoners. The last Legislature neglected to provide for the payment of the land purchased by its authority, and it becomes your duty to set apart \$2,500 for that purpose. During two years, only two convicts have escaped who have not been recaptured, and two were retaken who had escaped during preceding terms. Two deaths only have occurred from natural causes in two years. One convict starved himself to death, and one was shot while attempting to escape, making four deaths altogether. These statements evince vigilance on the part

of those in charge, and also prove that the sanitary condition of the prison is excellent. No female convicts have been in the building for the past three years.

The commissioners advise several important changes in the law relative to the Penitentiary, for the details of which I refer you to their report. They have estimated the expenses for the coming two years as follows:

Material for 2-cell buildings, - - -	\$50,000
“ “ building for convicts under contract, - - -	15,000
“ “ remodelling a building for state work, - - -	
shops, - - - - -	10,000
Appropriation to pay for land already purchased, - - -	2,500
“ “ “ more lime land, - - -	3,000
Material for gates, etc., for extension of wall, - - -	1,000
Maintenance and expense of prison, - - -	223,380
	<hr/>
	\$304,880
Earnings estimated for two years, - - -	100,000
	<hr/>
Appropriation asked, - - - - -	\$204,880

So long as a large portion of the convicts have to be employed upon the erection of buildings for their accommodation, so long will the institution be a burden to the State; but they are increasing the value of the State property, and doing it cheaper than it could otherwise be done. I think some provision should be made for a chaplain for this institution.

MUTE AND BLIND INSTITUTE.

The last Legislature appropriated \$20,000 for the erection of an additional building at the Mute and Blind Institute, and for improving the grounds, supplying the buildings with gas, and a printing press and type. The

money so appropriated has been wisely expended by the managers, they having erected a fine building, and made the other improvements, which have added greatly to the accommodations and comfort of the unfortunate inmates. The third story of the building was not finished on the inside for lack of means, and I would recommend that an appropriation be made for completing it. The Institute is in a flourishing condition, and the mutes, under the careful and tender treatment received, are rapidly acquiring an education that will fit them to become useful members of society. Most of the mutes are naturally as bright as other children, and are very apt at learning everything that addresses itself to the eye and the hand. The number of pupils at the Institute two years ago was thirty-six. The number at the present time is forty-four.

As will be seen by the report, the president, principal and superintendent make many valuable suggestions, which I commend to your consideration.

The law creating and establishing the Institute, contemplates that mute and blind children shall be received and taught there. But there appears to be insuperable difficulties in the way of educating these two different classes of unfortunate children at the same institution. Two entirely different and distinct systems of instruction are required.

With the mutes the instruction is addressed to the eye, while to the blind it is addressed to the ear.

Experience has demonstrated that it is not judicious^s to attempt to educate both at the same institution, or at least in the same building. The infirmities of each produce peculiar idiosyncrasies of character which make their daily association with each other unwise. Ten blind children have applied for admission to the Institute, but have not been admitted, on account of the lack of accommodations and lack of means for providing the services of teachers for the instruction of the blind. I would recommend that another building be erected for the latter

class on the grounds of the Mute and Blind Institute separate and apart from the buildings occupied by the mutes. Only one general management would be required, while separate corps of educators, especially adapted for the instruction of each class of unfortunates could be procured.

INSANE ASYLUM.

The last Legislature appropriated \$55,000 for the purpose of erecting a new building for the accommodation of the insane, at the Insane Asylum at Pueblo. According to the biennial report of the officers of said asylum, plans were adopted for a building upon the assurance of the architects that it would not cost to exceed that amount, and the foundation was constructed. When, however, bids for the main work of the building came in, it was found that, owing to the sudden advance in price of building material and labor, it would be impossible to finish the building within the prescribed sum.

Work was continued on the building until the appropriation was exhausted, and then ceased, nothing having been done to it for about a year. The external structure of the building is completed, but little, however, has been done upon the interior. It is composed of brick and stone, well adapted to the purpose for which it is intended, and possessed of such architectural beauty that it will be, when finished, an ornament to the State. It is three stories high, iron-shingle roof, with walls from 24 to 16 inches thick. The commissioners ask for an amount of \$73,310, to be used in completing the asylum, the erection of another wing to it, and for furniture, heating apparatus and engine house, and fixtures. The increase of population has imposed unusual burdens upon all of our State institutions, and the Insane Asylum is no exception to the rule. The old asylum building has been crowded to such an extent that full justice could not possibly be

done to the inmates, and yet many could not be received that were waiting in various county jails, and other unsuitable places, for admission.

The insane paupers are literally homeless and friendless, and proper care cannot be taken of them except at an institution especially adapted to their needs. They are the unfortunate wards of the State, and proper conveniences for their reception and treatment should be secured, that as many as possible may be again restored to the full use of their faculties. The completion of the building before referred to will make provision for 125 patients, and would relieve the alms houses and jails of many unfortunates. They are illy prepared to care for themselves as humanity demands, and those now cared for at the expense of the State in foreign asylums, could be kept here at a much reduced cost. An appropriation sufficient to complete and furnish the building at as early a day as is practicable should be made. During the two years ending Nov. 30th, 1882, 57 patients were received, and 46 discharged, making a net gain of 11, which added to the number on hand at the commencement of the term—38, makes the number on hand 49. The percentage of recoveries has been about 53 per cent. As few, if any, of the insane sent from Colorado to eastern asylums for treatment were ever discharged as cured, the results obtained at the Pueblo asylum are unexpectedly gratifying.

STATE INDUSTRIAL SCHOOL.

The last Legislature provided for the establishment of the State Industrial School at Golden. The purposes of this institution were to educate and reform those persons young in years, who have fallen into the ways of crime, rather than to confine them in jails, where by association with hardened criminals they would be confirmed in their tendency toward criminal lives. It was believed

to be more humane, as well as more economical, to educate them to become honest citizens, than to support them as paupers and criminals. It was not believed when the bill was passed that any considerable number of boys would be sentenced to the school. But the large number who have been sent there by the various District Courts and Police Magistrates throughout the State within the past eighteen months, shows that the greatest necessity existed for such an institution. The report of the officers of the school shows that eighty-one pupils have been sent there; that the terms of five have expired, and that there are now seventy-five pupils at the institution. The Legislature, anticipating but a small number of convicts, appropriated only \$20,000 for the erection of necessary buildings; for providing the same with needful furniture, bedding, crockery, cooking utensils, cows, horses, wagons and implements required on the place, and for the salaries of officers, instructors and guards and the clothing and food of the inmates.

Nearly \$12,000 of this amount was required in permanent improvements. The remainder of the appropriation was entirely inadequate to feed and clothe boys and pay the salaries of superintendent, instructors and guards. Late in the summer of 1882 the appropriation became exhausted. The act of the Legislature provided that no money beyond the amount of the appropriation could be expended, and that no indebtedness could be incurred by the Board of Control.

The alternative was presented of closing the school and discharging the pupils, and allowing them to return to their former dissolute lives, or, on the other hand, of providing some means of keeping it in operation until the Legislature should meet. There seemed to be but one opinion that could be entertained upon this subject, and that was, that the school must be maintained. I stated the condition of affairs to a number of the leading citizens of the State, and they voluntarily signed an agreement to indemnify Hon. F. E. Everett of Golden, against

loss, if he would pay the necessary expenses of the school until the Legislature should meet. He has, pursuant to this agreement, furnished the funds to pay these bills.

The law requires the officers of the school to receive all young criminals who are sentenced to it by the Judges and Police Magistrates of the State. The number of inmates cannot be controlled by the superintendent or officers. And as the convicts are sentenced for specific terms, the law requires that the school must be maintained until the sentences are served.

The provision against creating any indebtedness beyond the appropriation, in case the appropriation was manifestly inadequate, was in violation of the entire spirit of the law. I doubt not that the Legislature will deem it but an act of justice to make an appropriation that will cover the deficiency that has been unavoidably incurred, and the burden of which now rests upon public spirited citizens.

I believe the school has been well managed, and that the superintendent and his wife and the officers are entitled to great credit for its present efficient condition.

THE STATE UNIVERSITY.

The University at Boulder was the first educational institution established by the Legislature. Its growth has kept pace with the growth of the State. The number of students now exceeds one hundred; and six were graduated from the classical course of the college department in 1882. The University building is situated at quite a distance from the residence portion of the city of Boulder. I think a dormitory should be constructed on the University grounds for the accommodation of students from different sections of the State. If this were done, the pupils who did not reside with their parents in Boulder, would

then be continually under the care and supervision of the president and faculty. Parents living remote from Boulder are reluctant to send their children to this institution when they must board in the city, and be subject to the watchful care of the faculty for only a few hours every day. The present University building should also be finished and more completely furnished. These improvements should be made in order that this University may become what it was intended to be, one of the leading educational forces of the West, of which the people of the State may be justly proud. Having been created by the Legislature and recognized by the Constitution of the State, and being entirely under the control of Regents elected by the people, it is entitled to such a liberal support by the Legislature as will promote the highest efficiency of the University. I believe the president and faculty give to the institution not only large abilities but great enthusiasm, and that the character of the educational work is such as to commend it to the confidence of the people of the State. The report of President Sewall to the Superintendent of Public Instruction, herewith transmitted, gives in detail the information you will desire, and suggestions in relation to the needs of the University.

STATE SCHOOL OF MINES.

It is eminently proper that Colorado, which produces more of the precious metals than any other State or Territory, should have a State School of Mines, where a thorough education in chemistry and metallurgy, together with a practical knowledge of mineral geology, and of the science of the reduction of ores, may be obtained.

The report of the operations of the School of Mines is attached to the report of the Superintendent of Public Instruction. It shows that the number of students in attendance is more than double that of two years ago, and that a large number of students who have graduated at

Harvard University, the United States Naval Academy and other colleges of the highest standing, are pursuing regular courses at this institution, which is good evidence that it is accomplishing well the purposes for which it is established. The large increase in the number of students compelled the management to either continue the school without sufficient room for any department of work or enlarge the building to meet the additional requirements. They determined upon making the addition, which is now nearly completed. The cost of building has made the expenses \$9,463.36 in excess of the appropriation. I would call your attention to this report for the reasons in detail which compelled the management to build, and for a detailed statement of the accommodations that the addition will furnish.

STATE BOARD OF AGRICULTURE.

The agricultural interests of the State, which until recently have been overshadowed by mining and other interests, are now beginning to command the attention they deserve. Agriculture is the foundation upon which the superstructure of all other interests is built. It forms the basis of society, and gives it stability. Without agriculture as one of the principal industries of a State its population must necessarily be fluctuating and transitory. In the earlier days the pioneers of Colorado paid but little, if any, attention to this pursuit.

Gold was the talisman that drew them to the Rocky Mountains, and while they delved in the mountains for the precious metal, the fertile soil along the water courses was left untouched by the plow, the hoe and the spade. Vast caravans of wagon trains were called into requisition to transport to them from the Missouri River the necessary amount of flour, bacon and produce, to enable them to prosecute their labors. The difficulty of obtaining vegetables by such means and the high prices they com-

manded, led to some experiments in their production here, and the results were so marvelous as to yield and quality that the industry grew, and the foundation of our present agricultural interests was laid. The pioneer farmer had much to contend against. The climate was an untried one, the dryness of the atmosphere made irrigation necessary. They were ignorant of that science, and for several years the grasshoppers harvested the crops. Now the climate is understood, irrigation is practiced intelligently, and the appliances for destroying the pest of farming communities are well understood.

Owing to the scarcity of water for irrigation, only a limited amount of lands can be cultivated; therefore, Colorado can never become what might properly be termed an agricultural State. But the limit there must ever be to the agricultural products, is the protection which guarantees our agriculturists their profits; for the freight on agricultural products from other States will always be a protective tariff in their behalf. The first State Legislature wisely established an Agricultural College at Fort Collins. It is true that the first appropriation was very small, and but little could be accomplished. But a start was made, and under the economical supervision of the managers of the college very commendable results have been attained with the appropriations made by the State for the construction and maintenance of the institution. The present value of the College property, at what is considered a low estimate, is as follows:

Buildings and farm,	- - - - -	\$28,960 00
Fixtures and personal property,	- - - - -	21,611 12
		<hr/>
Total	- - - - -	\$50,571 12
The cost to the State has been,	- - - - -	43,000 00

The number of students in attendance in 1881 was sixty-two; in 1882 there were ninety-five, being an increase of over fifty per cent. in one year. The College farm, which contains 240 acres, has been fenced, irrigating ditches have been constructed and a portion of the land has been brought under cultivation. Some blooded stock has been procured and many trees planted. In September, 1882, a department of mechanics and drawing was added to the other branches taught. The accommodations for this department are very limited. A class of fourteen has been crowded into a small basement room in the main building. I have witnessed some of the specimens of the work done by the boys in this department, and it is very creditable. The Trustees of the College ask for an appropriation for making the necessary accommodations for the expansion of this department of the College, and I would concur in their request. I would also advise that the appropriation of one-fifth of a mill be continued. I desire to renew the suggestion I made to the last Legislature, that some provision be made for the collection and publication of statistical information relating to our agricultural interests. Such information would be interesting and valuable to our own citizens, and it would be particularly valuable as an easy and complete way of answering inquiries from persons contemplating emigration to Colorado.

The experiments made on the farm have been, and will continue to be, of great benefit to the farmers. It is much cheaper to have one experimental farm, than for each farmer to be experimenting with all the new cereals and vegetables constantly being placed before the public.

The majority of such experiments are conducted at a loss. But few of the new varieties offered are an improvement over those which are old and well tried, and some that would be of importance in certain portions of the country would not do well in our climate.

The object of the State farm is to do the experimenting for the farmers of the State, and the results are given

through printed reports and through the newspapers. Prof. Blount has been very successful in hybridizing wheat, having taken the premium in New York for the best variety of wheat raised, against all competitors in the country.

The exhibit of the products of the farm and experimental department at the Denver Exposition last fall has never been excelled. The new President, Dr. Ingersol, has proven himself well qualified for the position, and under his charge the school is in a flourishing condition. P. M. Hinman, the Farm Superintendent, has done exceedingly well on the farm. I trust that the Legislature will make such provision as will enable the State Agricultural College to best subserve the objects for which it was established.

SECRETARY OF STATE'S REPORT.

The names of the new corporations which have filed certificates of incorporation in the office of Secretary of State since November 30th, 1880, occupy between forty and fifty pages of the printed report of the Secretary. Secretary Meldrum very justly observes that very many of these corporations "have none other than a paper existence, and were organized by irresponsible parties who flood the country with their circulars and stock certificates, to the injury of legitimate industries and the credit of the State." "The State should do something to protect its citizens and the citizens of other States and Territories from these frauds." In my message to the last Legislature, I heartily concurred in the recommendation of Secretary Meldrum, that the fees to be paid into the State Treasury at the time of the filing of articles of incorporation, instead of the mere nominal sum now required, should be at least ten dollars, and in my judgment they might properly be fixed at twenty-five dollars. The Legislature took no action on this subject. As so few of

these companies ever engage in any legitimate business, it is not unreasonable to require them to contribute somewhat to the support of the department of the State Government in which their papers are filed. The Secretary of State, in his present report, again renews his recommendation that the fees to be paid to the State, upon the filing of these articles, be largely increased, in which recommendation I heartily concur. He suggests a scale of prices for companies according to their character and amount of capital. I would especially commend the different suggestions contained in this report as worthy of your consideration and action.

STATE ENGINEER.

The important office of State Engineer was established by the last General Assembly, but no emergency clause being attached to the bill, it was inoperative until June, 1881, so that the report of the Engineer herewith placed before you covers only the intermediate period. The fact, also, that no provision was made for obtaining and compensating necessary employes to the Engineer, furthermore limited the scope of his work, and consequently its beneficial results. In a State like ours, where the rainfall is limited, the agricultural industry is obliged to depend almost entirely on the natural water courses, which are applied through the medium of irrigation, and with the food-producing class the wealth of the commonwealth, in its other industries, must be largely and intimately connected. Nearly six millions of dollars are yearly sent out by our people to purchase elsewhere commodities which our soil is peculiarly adapted to raise, thereby adding much to the consumer's cost, as well as enriching other States at the expense of our own.

The objects of the Engineer's office are to assist in the carrying out of certain portions of the irrigation laws; to obtain important information by means of surveys and

observation as to the capabilities of natural water courses; concerning a system of storage reservoirs, their location and cost; and as to the actual capacities of irrigating works now in existence. I concur in the statement of the State Engineer, that some action should be taken by you for the settlement of existing conflicts between appropriators of water—a settlement which must depend on the average quantity of water in cubic feet per second the streams can be relied on to supply. This information can alone be obtained by a system of daily gauging.

Should such meet with your approbation, provision must be made for the maintenance of gauging stations, and for the employment of necessary assistance. The State Engineer further recommends, in which I also concur, that the present act should be amended, so that this officer shall ascertain the carrying capacity of all irrigating works in every water district, without waiting for an application from the owner thereof, and furnish this information to the judge of any district in which decrees are to be issued. It might be well, also, to establish a State Board of Water Commissioners, to whom the Engineer shall report, who should control the further diversion of waters from public streams, and decide when they are fully appropriated.

The details of the Engineer's work since assuming his office will be found in his report, and are most satisfactory.

COMMON SCHOOLS.

It is to the credit of our State that through the generous aid and hearty co-operation of its citizens, we have been able to establish our common schools upon a basis equal to any of the older States. There is nothing more attractive to intelligent visitors from the Eastern States than the perfection of our school system. The following

extract from a letter from John D. Philbrick, the distinguished educator of Boston, is an endorsement of our common school system that can but be gratifying to every citizen:

“The result may be summed up by saying that I found the Denver school system to be admirable in all respects. Although its origin dates back scarcely more than a decade, its development has been so wisely and energetically conducted that already it belongs to the front rank of city systems. It is pretty safe to say that the creation of a system of schools on so large a scale, of such exceptional merits, and in so brief a space of time, is a phenomenon to which the history of education affords no parallel.”

Prof. Philbrick's letter in full may be found in the report of the Superintendent of Public Instruction. Prof. Cornell's report also contains the details in relation to the schools, and his efficient work in their behalf during the past two years. The rapid increase in population during the past two years has occasioned the organization of many new schools, and the important feature of that period has been the organization of new school districts and the building, enlarging and furnishing of school houses. About one hundred new districts have been organized and nearly as many school houses have been erected. Many of these buildings are large, expensive structures. There are 370 school houses in the State, valued at \$1,235,491, having seating capacity for 26,470 pupils. According to the school census of last spring, there were in the State 49,208 children between the ages of 6 and 21 years, of which number 31,738 were enrolled in the public schools. The permanent school fund of the State now amounts to \$75,200.37, being an increase during the past two years of about \$40,000. The fund is invested in interest-bearing State securities, and the interest received therefrom, together with the money received from the rental of school lands, is, by law, distributed to the several counties of the State according to the school population. During the past two years \$30,-

604.68 of such money has been thus distributed. The State library contains 7,107 volumes, but owing to the fact that no appropriation has been made for a librarian, the public has received but little benefit from it during the past two years. The books are now in a chaotic confusion, with no one to care for them. An appropriation should be made to pay a librarian and for the purchase of new books, or the idea of a public library might as well be abandoned. Prof. Cornell has visited, during his term of office, the schools in the most remote sections of the State, and has inspired courage and enthusiasm in these sections in the cause of education. He has made a most efficient Superintendent, and his report is very instructive.

THE NATIONAL GUARD.

The Adjutant General has labored zealously during the past two years, with such means as he had at his command, to place the National Guard of the State in condition for more effective service in case of need. A lack of means is the great drawback to the accomplishment of the results designed by the law.

The last General Assembly increased the military poll tax from fifty cents to one dollar per capita, and under the law every citizen, except those who are active members of the National Guard, or of a volunteer fire company, is liable to pay such tax. If this tax was fully collected, it would furnish sufficient revenue to arm, uniform and equip the militia and pay the indispensable armory expenses. But the statistics show that less than half of what should be collected is paid into the State treasury.

At the November elections of 1880 there were 53,420 votes cast, yet in 1881 but 23,475 persons were assessed as liable to pay the military poll tax, and only \$14,600 was collected and turned into the State treasury.

It is not right that 14,600 persons should pay a military poll tax, and that nearly 40,000 persons should avoid the payment of such tax. Should you be able to provide by law for more efficient service by the county assessors, and for the collection of the tax, after it has been imposed, the different companies could be uniformed and equiped as the law contemplates.

The report of the Adjutant General shows that four battalions of infantry and one battalion of cavalry have been organized during the past two years; seven companies of infantry and one of cavalry have been mustered into the service, and six companies have been disbanded, leaving four companies of cavalry, one battery of artillery and eighteen companies of infantry as the effective force at the present time.

The law provides that the Adjutant General shall uniform the troops, but owing to lack of funds, he has only been able to uniform a few companies and two bands during the two years. Five companies are altogether without uniforms, and two are supplied with non-regulation clothing.

In several instances private individuals have been sufficiently public spirited to advance money for uniforms. But one organization is provided with overcoats, and the State does not own a blanket, a knapsack, a tent, or a canteen.

The supply of arms and ammunition now on hand is meagre. The men enrolled in the service receive no compensation for the time they devote to the weekly drills,

by which they become familiar with the discipline and duties of soldiers. Their services and lives are constantly at the call of the Executive, or the sheriffs of counties to suppress tumults, and to preserve the peace. At no time has there been as much enthusiasm and men in the service as at the present time; nor have they ever before been in so effective a condition. On account of the inadequacy of the military fund, I have been compelled to refuse to receive into the State service a large number of companies in various sections of the State. Every new company entails large additional expense. I would recommend that an appropriation be made sufficient to preserve the muster rolls of the Colorado regiments called into the service of the United States during the War of the Rebellion, and to preserve the war relics which are in the possession of the State. In August next, the National Encampment of the Grand Army of the Republic will hold its session at Denver, and the State Militia will doubtless be called upon to do honor to the event. I think it appropriate that provision should be made to enable our National Guard to so perform its duty on that occasion as to reflect credit upon the State.

There are many suggestions in the report of the Adjutant General worthy of your deliberation.

FISH COMMISSIONER'S REPORT.

For several years past the General Assembly has endeavored, by legislative enactment, to provide for the protection, preservation and propagation of fish in the natural water-courses of the State.

The last General Assembly raised the propagation of fish to the dignity of a State industry, by passing a law providing a fish commissioner, whose duty it was to select

and purchase a suitable location for a State establishment for the breeding and propagation of food fishes. Mr. Wilson Waddingham donated eleven acres of land for the purposes of said act. The land is situated about eight miles from Denver, has several fine springs of pure water on it, and is generally well adapted for the desired purpose. A suitable fish hatchery has been erected.

I appointed Hon. W. E. Sisty as said Fish Commissioner, and his report herewith submitted, gives in detail his operations as such commissioner. According to said report, several hundred thousand eggs of Eastern and California trout were received at the hatchery, of which 98 per cent. were successfully hatched, and when large enough were distributed to different parts of the State. Late reports from the various points show that the fish so distributed are doing well. The commissioner has contracted for 300,000 more trout eggs for hatching during this and next month, and nursery ponds for their reception are now being built. An appropriation of \$2,750 was made for the use of the Fish Commissioner in purchasing grounds and erecting the hatchery. The grounds were donated, and the building cost \$1,890, leaving a balance on hand of \$860.

STATE CAPITOL BUILDING.

At the general election in November, A. D. 1881, the City of Denver was duly selected as the permanent capital of the State.

The litigation which has been pending for several years past concerning the title of the State to the block on Capitol Hill, known as "Capitol Square," has been-

finally determined in favor of the State by the Supreme Court of the United States. This decision was only rendered about two months ago, and at a period so late that it has not been possible for the Secretary of State to make the improvements on the 'grounds' contemplated by the act of 1881.

As the capital has now been definitely located, and the title to the grounds donated for the site of the State House is now indisputable in the State, there are no longer any obstacles to the Legislature providing for the erection of a suitable building for a State House. I think there can be no question that the public interests require that provision be made by this Legislature for the erection of the building.

The records of the Territory and of the State are now kept in a building which is not fire-proof, and in safes which it is believed would not preserve them if the building should be consumed by fire. These records are extremely valuable both to the public and to numerous private interests. In case of their destruction the amount of the loss could not be computed in dollars and cents. Until the State shall have provided fire-proof vaults for their preservation, the danger now existing will be continued.

The tax for the Capitol Building Fund, heretofore collected, amounts to the sum of \$38,262.62. The General Government donated to the State 30,000 acres of land for public buildings, which can be sold and the proceeds applied for this purpose. Valuable property in Denver has also been conveyed to the State for the same purpose, the value of which I have not been able to ascertain.

PROTECTION OF MINERS.

The last Legislature repealed the law providing for a Commissioner of Mines; the ventilation of mines; the construction of escapement shafts, and other provisions for the safety and health of miners, and also prohibiting the employment of children in the mines. I reluctantly allowed the repeal of the law, because of its many defects, thinking that thereby the enactment of a proper law covering those points would be more speedily secured.

In this connection, I desire to direct special attention to the need of a law providing for the ventilation of coal mines. All coal mining nations have laws for the official supervision of their mines, as have also all the States of this country in which coal mining is extensively carried on. Coal mining is fast becoming one of the chief industries of this State. The counties of Las Animas, Fremont, Boulder, Jefferson, Gunnison, Huerfano, El Paso, Park and La Plata are large producers of coal, and the miners are entitled to a just and judicious protection of their lives and health. Should you be able to enact a law that would provide for the proper ventilation and greater safety of the coal mines, and at the same time impose no unjust burdens upon the mine owners, it would be an act both of humanity and justice towards the miners.

INSURANCE COMMISSIONER.

I am satisfied that a law should be enacted prohibiting all insurance companies from doing business in this State, until their financial condition shall have been thoroughly examined into by some competent official, who shall determine that said companies are solvent.

In some States this duty is performed by an Insurance Commissioner especially appointed for the purpose, in other States it devolves upon the Secretary of State, or some other State official. The great mass of the people, who procure insurance on their lives or property, have little time to investigate into the financial condition of the respective companies soliciting their business. Many are quite as liable to insure with an insolvent as with a solvent company. For this reason, most of the States, for the protection of their citizens, have made provisions that before any insurance company shall be permitted to do business within their limits, a statement, under oath, in relation to their assets and liabilities shall first be filed with the officer designated by law, who shall, if satisfied with their solvency, give the requisite authority to do business within the State. Such a law is required, not only to protect our citizens against worthless companies of other States, but to protect the good name of Colorado from being injured by the establishment of companies here to do business in other States without the requisite capital to meet losses as they may occur. These requirements ought to create no new burden upon the tax payers, as a fee is usually required to be paid into the State treasury by each company receiving permission to do business, sufficient to pay the expenses of the State official upon whom these duties devolve. I think every company licensed to engage in business here, should be required to publish in some daily or weekly paper in the State, at the beginning of each year, a sworn statement of the amount of its assets, in what securities they are invested, and the amount of its liabilities; in order that the public may be able to have some basis for the formation of an opinion as to its ability to meet its losses.

THE BOUNTY BILLS.

I would respectfully recommend the repeal of the act of 1881, known as the loco weed bill. I believe the

State has become responsible for the payment of more money under the provisions of this bill, for the destruction of loco, than the value of all the stock which have been killed by this weed since Colorado became a State. The reports of the Treasurer and Auditor of State show the amounts that have been paid for hawks' heads and wolf scalps during the past two years, which in the aggregate are very large. It is a subject worthy of serious consideration whether the State is benefitted by these bounties to the extent of the drafts made upon the State Treasury for their payment.

COUNTY INDEBTEDNESS.

Four years ago, in my first inaugural message to the General Assembly, I directed attention to the fact that many of the new counties were in an unfortunate financial condition, in some of them there county warrants being worth only twenty-five or thirty cents on the dollar. I recommend that a law be passed authorizing counties to fund their floating indebtedness, and that county warrants should not thereafter be receivable for taxes, as measures that would be of great financial relief to such counties. A law was enacted authorizing counties to bond their floating indebtedness, and such counties as have availed themselves of its provisions have been relieved thereby, their warrants having appreciated from twenty-five or thirty cents to about eighty cents on the dollar. As a measure that would bring the county warrants of all the counties to par, and keep them there, I would repeat my recommendation that county warrants be not receivable in payment of taxes. The first State Legislature enacted that State warrants should not be received in payment of State taxes. That law has saved the State very many thousands of dollars. At the time the law was passed, State warrants were selling for eighty-

five cents on the dollar. In a very short time after its passage, they were at a premium. The following Legislature reduced the interest on warrants from ten to eight per cent. per annum, and the next Legislature following, being the last one, reduced the interest to six per cent. With a reduction in the interest of four per cent. they have at all times commanded their par value. With such favorable results in a parallel case, it would seem that there should be no hesitancy about applying the same law to county warrants. Under such a law every county warrant would be paid in cash in the order in which it is issued and registered, and it would be eagerly sought by parties desiring to place their money in a safe investment, drawing the legal rate of interest.

County bonds drawing no greater rate of interest than the county warrants command a premium, those of Arapahoe County being at a premium of from 16 to 19 per cent. on the dollar. With any degree of certainty as to the time when county warrants would be paid in cash, there is no doubt, in my mind, that the county warrants of all the counties of the State would soon be at par, and the interest could be reduced.

PRINTING PUBLIC DOCUMENTS.

I would respectfully recommend the passage of a law authorizing the printing at or about the time of the assembling of the Legislature of a specified number of copies of the messages and inaugural addresses of the Governor, and of the reports of the respective State officers.

As the law now stands, certain State institutions under the control of Boards of Trustees can print their

biennial reports, and have them ready to submit to the Legislature or its proper committees, at the commencement of the session. There is no authority for the printing of the Governor's message and inaugural address until legislative action is taken. As these documents are required to be prepared by law, presumably for the information which they may furnish to the General Assembly, they should be in such form as to be available to the members of your body. I am led to make this suggestion from the fact that the last biennial message of the Governor to the Legislature was not printed under the resolution passed for that purpose, until after the Legislature had adjourned.

If there is any reason for requiring these documents to be prepared, they should be printed sufficiently early, so that the information contained can be accessible to the members of the General Assembly at the beginning of the Legislative session.

REPORT OF JUDGES.

I herewith transmit the report of the Judges of the Supreme Court, and also of Judge Elliott, of the District Court, which I commend to your attention. They contain suggestions of great value. I heartily concur in the recommendation of Judge Elliott that a bill be passed for the establishment of criminal courts in several counties having the requisite population.

AMENDMENT OF THE CONSTITUTION.

The Constitution of the State contains nineteen articles. The nineteenth article relating to amendments

provides that the Legislature at any session can submit to the vote of the people the question of the amendment of only one article. If it was desirable to amend one word in each article it would require under the present provisions of the Constitution a period of thirty-eight years to make these slight changes.

The Constitution contains most of the best provisions that are contained in the constitutions of the different States of the Union. But it was prepared at a time when our population was small, and when, probably no one of the members who framed it anticipated the unexampled growth and the marvelous development of resources which have been witnessed during the past five years. It therefore contains provisions that are unsuited to the present condition of our prosperous State.

I will refer to only two or three illustrations. I have heretofore alluded to the provision limiting the duration of the sessions of the Legislature to forty days, which, in the case of a growing State like Colorado, holding sessions but once in two years, is entirely inadequate to provide the necessary legislation for the State.

The Constitution requires every bill to be read at length three times in each branch of the General Assembly. With the great number of bills pending, the reading of each of these bills at length three separate times, as required by the Constitution, would occupy nearly the entire forty days. Every member of former Legislatures of the State knows that this provision has been practically disregarded. It has been found necessary to have several persons engaged in reading bills at the same time, so that no member has been able to understand the contents of any of the bills from the reading. The pretense of complying with this provision has become simply a farce.

The store room of the Secretary of State is filled with books required to be printed by the Constitution, costing many thousands of dollars, for which there is no demand, either for sale or gratuitous circulation.

It is impossible under the present provisions of the Constitution, to equalize the assessment of taxes of the various counties. The Supreme Court has decided that the total assessment, after the adjustments have been made, shall not vary from the total assessment as made by the county assessors.

During the past four years it has been impossible for the State Board to equalize the assessments in any year. The returns have never been received for the different counties until after the time has elapsed for the board to act, and it has been impossible to act justly on returns made from only a portion of the counties. Either a new constitutional convention should be called, or the Legislature should be permitted to submit to the vote of the people as many amendments as may seem desirable at any one time.

The only manner that these defects can be remedied without a constitutional convention is to amend Article Nineteen so as to allow as many amendments to be submitted to the people at any general election as may seem necessary. As a vote of two-thirds of each branch of the Legislature is required before any amendment can be submitted, and the amendment must subsequently be ratified by the people, it would seem that sufficient safeguards are provided against improper changes in the fundamental law.

MEMORIAL TO CONGRESS.

The Tariff Commission, appointed by the President, have recommended a reduction in the tariff on lead, iron and steel. The people of Colorado pay high duties on nearly everything that is consumed, or used, in the State, and the only benefit which they derive from the tariff is from the protection which it gives to our lead and iron interests. These industries have already become so large in the State that a reduction in the duties upon them would inflict very serious injury. Our delegation in Congress are laboring zealously to defeat the reduction on these articles, and there is reason to believe that their efforts will prove successful. I think, however, that a memorial from the Legislature to the two Houses of Congress, upon the subject, would not be without weight and might aid them in protecting our interests.

CONCLUSION.

I desire to acknowledge the kindness and consideration with which I have been treated by the other officers of the State Government. Each one has, I believe, to the best of his ability endeavored to serve the interests of the State.

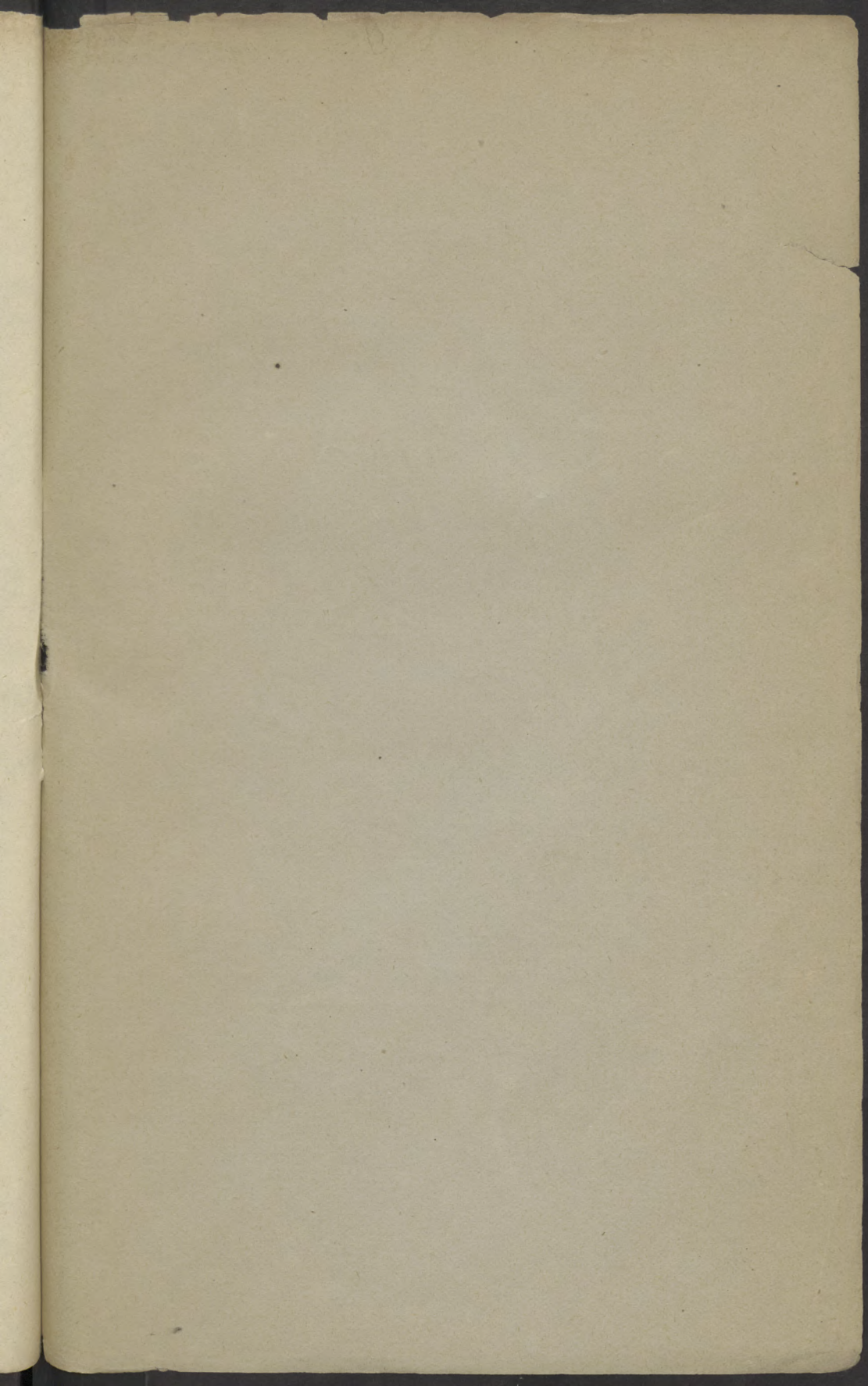
Michael J. Gavis, who had been my private secretary for more than a year, was suddenly cut off in the prime of manhood in January, 1882. His death was a public loss, and to me was a personal bereavement.

I also desire, in retiring from the public service, to express to the people of the State my warm appreciation

of the confidence which they have reposed in me in selecting me for two terms as their Chief Magistrate and also for the cordial support which they have given me in my efforts to discharge the duties of this high office. I trust that the prosperity which has been witnessed during the past four years is but the beginning of an-era which will continue for many generations.

FREDERICK W. PITKIN.

Denver, Colorado, January 3d, 1882.



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