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Biennial Message  
of Governor  
**Davis H. Waite**

..... and .....

Inaugural Address  
of Governor  
**Albert W. McIntire**

Delivered before the  
**Tenth General Assembly**  
State of Colorado

1895

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# BIENNIAL MESSAGE

OF

# Governor Davis H. Waite

TO

## THE TENTH GENERAL ASSEMBLY STATE OF COLORADO

1895

PUBLISHED BY ORDER OF THE GENERAL ASSEMBLY



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# MESSAGE.

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*Gentlemen of the Senate and House of Representatives:*

About to yield to my successor the chief executive office of the state, I render in as few words as possible an account of my stewardship. In 1893, for the first time in the history of the state, the assessed valuation of real and personal property of Colorado shows a reduction. Up to that date the assessed valuation of property year by year had increased. The business of the state to a large extent has been dependent upon silver mining. The constant war upon silver since 1873, had so affected the business interests of this state that the increased valuation of property for 1892 over 1891 was only a small per cent. of the increase of previous years. The repeal of the so-called Sherman act, which was the culmination of this hostile legislation, diminished the assessed value of real and personal property in Colorado \$30,000,000, the actual diminution of values being not far from \$100,000,000.

If property in Denver or in the state generally has depreciated more than the average throughout the country, such depreciation is due to the fact that silver mining, the leading industry of Colorado, has practically been destroyed. The value of the best silver producing property, as evidenced by the dividend paying mines, has fallen from one-sixth to one-tenth their former value. Although the value of silver bullion has depreciated but 25 to 30 per cent. of its value as a commodity since 1892, that depreciation has been sufficient to practically destroy all profit in mining silver, and has thrown out of employment many thousand silver miners who had been working at remunerative wages. But in spite of these blighting conditions during the last two years, the credit of Colorado stands higher in New York City than at any previous period, and more miles of railroad were built in Colorado in the years 1893-94 than in any other state in the Union. The unexampled resources of our state, with the energy and recuperative powers of the people, prevented the financial panic of 1893 from more severely affecting the business of the state.

The destruction of the silver interests of the state, occasioned a general as well as a local injury. All kinds of property and every department of business and production suffered, not only in Colorado, but in all parts of the Union. The only new development of our resources thus far has been in the gold

fields of the state. The production of gold has increased, but as yet not one-half enough to make up our loss in the production of silver. But even if gold should be found in Colorado as abundantly as it was in California and Australia, it might relieve, but would not atone for the tyranny and oppression, which, under both a Republican and a Democratic president, have deprived the people of the free coinage of silver—a right which was theirs before the Constitution of the United States was adopted, and which was never ceded to Congress.

#### STATE FINANCES.

I call your attention to the state finances as set out in the state treasurer's and state auditor's reports, herewith submitted:

To cash in treasury November 30, 1892.....	\$ 850,051 47
To cash receipts to November 30, 1894.....	2,502,208 01
To investment warrants redeemed and interest.....	854,633 41
By cash disbursements .....	\$2,706,367 04
By warrants bought for investment.....	932,526 28
By cash in treasury November 30, 1894 .....	567,999 57
<hr/>	
	\$4,206,892 89
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## FLOATING STATE DEBT.

Outstanding interest bearing warrants, 1887 and prior (face) .....	\$ 131,004 46
Outstanding interest bearing warrants, 1888 .....	277,555 65
Outstanding interest bearing warrants, 1889 .....	520,887 65
Outstanding interest bearing warrants, 1891 and 1892 .....	593 27
Outstanding interest bearing warrants, 1893 .....	191,253 58
Outstanding interest bearing warrants, 1894 .....	540,837 22
Outstanding interest bearing warrants, capitol building .....	271,693 64
Outstanding interest bearing warrants, certifi- cates of indebtedness .....	94,555 85
Estimated interest and warrants and certificates	365,380 00
Estimated amount claims and vouchers due for 1893-94 (not issued) .....	85,000 00
Other outstanding claims, loco, legislation and cash .....	9,528 02
Gross floating debt .....	<u>\$ 2,488,289 37</u>

The state assets according to treasurer, are as follows:

Cash in treasury, general revenue to 1894 .....	\$ 383,635 21
Cash in treasury, not general revenue .....	31,195 10
November 30, 1894, total cash in treasury	<u>\$ 414,830 31</u>

## UNCOLLECTED REVENUE.

Up to and including 1894 .....	\$ 870,328 35
Less uncollectible .....	105,077 07
Net uncollected taxes due state .....	<u>\$ 765,251 28</u>
Total assets due state .....	<u>\$ 1,180,081 59</u>
Net floating debt .....	1,308,207 78
Bonds, capitol .....	600,000 00
Total debt .....	<u>\$ 1,908,207 78</u>

Of the outstanding state warrants issued in 1887-88-89, known as excess warrants:	
The public school funds hold .....	\$ 443,850 80
The state university funds hold .....	22,645 22
The internal improvement funds hold .....	36,754 59
The internal improvement int. fund holds .....	1,202 59
	<u>\$ 504,443 20</u>

(Not including interest.)

Committees were appointed both at the regular session and special session of the Ninth General Assembly, to investigate the frauds in the issue of excess warrants and their investment in the school and other funds in the state. There was a Populist minority on all these committees, and it is claimed that the majority of these committees never could be induced to make any thorough examination, nor was there what they deemed a proper interest manifested in the examination in the auditor's office. Prior to Mr. Carlile's time as treasurer, the general fund had not been kept separately as to the revenue of each year. A resolution passed the General Assembly instructing the attorney general to investigate the excess warrant frauds and prosecute the guilty parties. Four persons for nine weeks at the expense of the attorney general's office, undertook to investigate the matter, but the books were in such a tangle that nothing could be distinctly stated as to the *modus operandi* of these frauds. Perhaps the active assistance of the most expert clerks in the treasurer's and auditor's office might have helped in the matter, but such assistance was not tendered.

I recommend that a special commission be appointed by the Tenth General Assembly to investigate the excess warrant frauds; that said committee have power to send for persons and papers and to employ an expert clerk, so that if possible the guilty parties may be discovered, and suits

brought against them and their bondsmen to recover the money which Republican office-holders have robbed from the school children of the state.

I endorse the following recommendations of the attorney general:

First—A bill recommending a revision of the state constitution.

Second—A commission to codify the statutes of the state.

Third—To abolish the private detective system.

Fourth—An eight-hour law.

Fifth—The abolition of capital punishment, and I suggest by way of substitute, that the most hardened criminals be compelled to run as candidates for some state office.

#### STATE LANDS.

Indemnity school lands, not patented.....	455,507.38 acres
Selected by former boards, not patented.....	40,000 acres
Selected by present board, not patented.....	59,933.80 acres
	_____
Total, not patented.....	680,441.18 acres
Add school lands in sections 16 and 36.....	3,000,000 acres
	_____
Total school and indemnity lands .....	3,680,441 acres

The receipts at the state land office for two years, ending November 30, 1894, was \$255,753.27, against \$479,705.74, receipts of previous two years.

The successful management of the state lands so as best to promote the objects of these grants, depends upon the wisdom of the legislature. For

many years the policy of the state land board was to sell the school lands, and often the best lands were sold at the minimum price, but during the last year of Governor Routt's term this policy ceased. The present law provides that any parcel of state lands may be sold when the state board is of the opinion that the best interests of the school fund will be served thereby. Under this law the former state land board sold numerous city or town lots on state lands in Creede, and the present board has sold similar lots in Florence. The present board has only sold for cash. There has been a great demand to have these lots sold upon credit, or upon partial payments, but this demand was for speculative purposes, and the policy of the present board has been to discourage purchasers for speculative purposes. The law in relation to leasing the state lands (except mining lands) needs amendment in relation to renewals. The lessee should be permitted to renew the lease at pleasure, subject, however, to appraisals made by the state agent at regular intervals of five years. At the expiration of the lease anyone, under the present law, can come in and bid against the lessee and occupant, and take at an appraisal any improvements made. This method discourages the lessee from making extensive improvements. It also discourages leasing valuable state lands in cities, but the mode of renewal recommended would be just to all parties, put the lessee nearly on a par with the freeholder, and add immensely to the revenue of the school fund.

A law was passed some years ago providing that the state should sell at the minimum price alternate quarter sections of state lands to irrigating companies with right of way through lands owned by the state, provided such companies would contract to construct a ditch of sufficient size and with sufficient water to irrigate at a reasonable price the state alternate quarter sections. As a rule, however, this contract was never carried out. The object of selling the alternate quarter sections of state lands at the minimum price to these irrigating companies was, that the unsold alternate quarter sections, by irrigation, should become of increased value; but in no case, I think, has there been such a result. After the construction of ditches and sale of alternate quarter sections to irrigating companies, the remaining alternate quarter sections have also been sold to said companies at minimum price, or else leased at two and one-half to five cents per acre—prices which, taking into consideration that such leased lands are not taxed, are better for the lessees to pay than to own the title. Thus far certainly no benefit has accrued to the state directly in increased price or revenue of its lands from irrigation by private corporations. Believing that irrigation in Colorado is the great problem before its statesmen, and that upon its wise solution depends to a great extent the future prosperity of the state, I recommend that the state pursue a generous policy to irrigating companies in sell-

ing to them state lands desired as reservoir sites, and rights of way, and providing for the irrigation at reasonable rates of state lands traversed by canals.

As in many parts of the state the cost of irrigation is too great for private enterprise, I recommend that the state from its resources construct reservoirs and canals, using either the internal improvement fund for such purposes, or employing, when practicable, convict labor. The state has an abundance of land, the value of which depends entirely upon irrigation. There is no season so dry, that if the water of our rivers and streams, whose floods now run to waste, could be diverted into reservoirs, water enough would be saved to properly irrigate all the irrigable lands of the state. In the eastern part of the state, and possibly in other portions, there are in places underground streams of water, which can be reached at no great depth by wells, and sufficient water be pumped therefrom to irrigate from fifteen to twenty acres of land. I recommend that a commission, to consist of three members, no two of the three to be members of the same political party, be appointed by the governor to survey and locate wells upon the state lands in all the judicial districts in the arid regions of the state, and test the feasibility of underground irrigation.

The present state land board found that years ago valuable state lands in and near Denver and other cities were sold to various parties, who made

more or less payments upon said contracts. In cases where the payments have only been 15 or 20 per cent., and the use of the land and exemption from taxation during such use is taken into consideration, the board is of the opinion that no equity arises. But when, as in some cases, 25 and even 60 per cent. of the purchase price of the contract has been paid, and valuable and permanent improvements, of benefit to all the lands contracted have also been made, and when from no fault of the purchasers, but by unconstitutional and damnable legislation of Congress, such a financial panic has been created, and such depreciation of values occasioned that these purchasers are unable to complete their contracts, the present land board, as trustees of a great state, have considered it unworthy of them to insist, under these circumstances, upon the forfeiture of all payments and improvements to the state. They have, therefore, made an equitable settlement with these parties; but in no case have allowed a percentage of the land equal to the percentage of the payment. The board has no doubt of its authority to forfeit all payments and improvements made, and that such action would be approved by the highest court of the state; but a majority of the board desire to enter its protest against such iniquity. In this action of the land board, it has only followed the precedents made by every state land board, granting patents to portions of land upon partial payments.

As connected with this subject, I call your attention to the fact that on foreclosure of trust deeds and mortgages all over the state, the security is often sold upon a failure to pay less proportion than one-half the original purchase price. So that in addition to receiving all payments and interest that may have been paid upon the contract, and also getting back the property itself with all improvements, a judgment is sometimes entered up for a large deficiency, against the mortgagor. This is a practical exemplification of the fact that legislation has lost sight of the rights of man, which have been subordinated to the rights of property. I recommend that the law of trust deeds and mortgages be so amended, that in no case shall the mortgagee or trustee be able to avail himself in the courts in collection of a debt, of any other remedy or security than the property sold.

#### MINING LANDS.

Under the present law, the state mining lands may be leased for twenty years—which is long enough for all practical purposes, and much better than a sale. The board has provided that the mineral lands of the state may be divided into ten-acre lots of square form, which utilizes all the government survey, and be leased for twenty years, at not less than \$1 per acre annual rent; or, if 4 per cent. of gross mineral product of leased lot exceeds \$1 per acre, the state is to receive the excess in addition to \$1 per acre. Prior discoveries and improvements

are protected, and such locators have the preference. No one is allowed to follow a vein or deposit of mineral under and into an adjoining claim, and no annual assessment work is required. Under this system ten school sections of mineral lands have been platted, and 231 lots leased, and not one lawsuit has yet occurred.

I recommend that such appropriation be made as may be deemed necessary to defray the expenses of the mineral department of the state land board.

#### TWIN LAKES.

I recommend the state to provide for a reservoir at Twin Lakes, which location offers an extraordinary opportunity to construct a vast reservoir in which to store the floods of the Arkansas river, for the use and benefit of the inhabitants of the Arkansas valley. In my judgment it is better to use the internal improvement fund for the legitimate purpose for which that fund was created, than to deposit the money in a bank, the state to draw 4 per cent. interest annually, and the deposit to be loaned by the bank at 12 to 18 per cent.

Recognizing the importance of the Twin Lakes as a reservoir site, parties were placed in possession of the site for dam, etc., to hold for the state. Some expense was incurred, which power the state auditor did not think, in the cramped condition of the state's

finances, he could allow. I believe the claim against the state a just one, and recommend an appropriation for its payment.

#### COAL LAND CONTEST.

In the contest as to the mineral character of section 36, township 31, range 65, Las Animas county, in the late hearing at Pueblo land office, the decision was for the state. By appeal to the general land office on "assignment of error," it became necessary for the board to employ a special attorney to represent the case for the state, in Washington, and Attorney H. B. Bab having been connected with this contest for some years, has been employed. I recommend an appropriation for the expenses which may be incurred subsequent to appeal. All former attorney fees and expenses have been paid.

As the business of the state land board is becoming of increasing importance year by year, and as at present constituted the work of the board is often delayed, I recommend that this branch of the state government be made an independent department, and that the register have power to make and unmake his deputy or other employes; that the office of the state engineer, and also the state immigration commissioner be a part of and under the control of the state land department. These at present separate departments are so intimately connected with the state land department that it would be both economy and wisdom to consolidate the three under the control

of the register. The latter office should be elective, but if to do this the state constitution must be changed, it is better that the register should be appointed, than that there should be no consolidation of the three departments.

#### IRRIGATION.

The state engineer reports the number of acres of irrigable land in the state at thirty millions. He gives the average rainfall or precipitation in the state for the last twenty years at 21 inches. In answer to an inquiry from this office for the authority upon which the state engineer based his estimate, I was furnished with a copy of a table of alleged precipitation at various points in the state, which did average 21 inches, but the authority was not given.

The government reports, which are probably reliable, taken at seventy-one different stations in this state, make the average precipitation 12.61 inches per year. Irrigation is a science, and probably the best source of practical information on the subject can be obtained from Utah and from the region about Greeley, in our own state. There can be no cast iron rule that a cubic foot of water shall irrigate so much land; that depends on the crop, the soil and perhaps most of all the season. If winter irrigation is possible, much larger area can be irrigated. Much depends upon whether the soil is well irrigated or only partially irrigated, from lack of water. There is no doubt but that under certain conditions there may be too much water applied to the soil.

Year after year the problem of irrigation and of the water supply is becoming more pressing. Thousands of acres of accessible and fertile lands are lying idle because the preservation and utilization of the water supply has not kept pace with the increasing needs of the people. The indiscriminate destruction of large bodies of green timber on the high mountain ranges is one evil which permits the rapid melting of the snow in the early summer, whereby much water is wasted that could be advantageously utilized in the late summer. The pasturing of large bodies of sheep upon the high lands produces a similar effect.

#### ARID LANDS.

It is evident that the arid lands will not be improved by the United States government, or under the present United States land laws. Our history shows that the connection of the government with private corporations has always been to the national disadvantage. In my judgment the Carey land bill is in the interest of private corporations, who desire to gobble up the arid lands for cattle range and for speculative purposes. There can be no objection to the use of the public lands for cattle range, even free of cost, if such use does not hinder or prevent the occupying by the actual settler. He has and ought to have a prior right. No private corporation ought to be allowed

to forestall his right of settlement or occupancy, or impose upon his use a private toll upon the principle of "all that the traffic will bear."

I recommend that the General Assembly memorialize Congress to cede the arid lands to the several states in which they are situate, under conditions that the title to these lands shall forever remain in the state, the land to be leased for five years, in areas not exceeding 160 acres, and to actual settlers only, subject to renewal by the lessee, at a fixed appraisal to be made by a state agent every five years, the state to devote a certain amount each year from its internal improvement fund, for the irrigation of these lands, and also apply to same purpose all revenue from leases of said arid lands, except sections 16 and 36.

#### THE PUBLIC SCHOOLS.

The superintendent of public instruction has presented a very voluminous and valuable report. I endorse his recommendation that the state appropriate one hundred dollars per annum for each of the thirteen normal school districts, to assist in keeping up the State Normal School Institute.

There are many inequalities in the workings of our present school system. The city child has the most superior advantages, and with little cost to the taxpayers, but in the country the revenue derived from taxation for school purposes is insignificant. I invite your attention to the remedies suggested by

the superintendent, who has had large school experience, and is an earnest worker in the cause of common school reform.

#### STATE LIBRARY.

The state library has a total of 9,741 bound volumes. During the past two years, notwithstanding its cramped quarters, the library has been well managed, and it contains some valuable works. A bill has been prepared in regard to the state library and it is recommended by the state superintendent, calculated to make the library what it ought to be, a credit to the state. I endorse the recommendation of the state superintendent.

#### METALLIFEROUS MINES.

Superintendent Acker has made a valuable report, showing the amount of labor performed in his department. The superintendent and his assistants appear to have conscientiously performed their duties, and with great advantage to the mineral miners of the state. I commend the report and its recommendations to your careful consideration.

#### COAL MINES.

I call your attention to the able and concise report of the coal mine inspector. The total coal product of the state for 1894 was 2,994,028 short tons, which is a decrease of 953,028 short tons as compared with the product of 1893. This shortage is due entirely to the coal strike of the past summer, which

strike was general throughout the state. In the production of coal, Colorado ranks fifth among the states, and 25 per cent. of our coal finds a ready market in Texas, Kansas, Nebraska, Utah, Nevada and New Mexico. In coke production Colorado ranks third. A few mines in Fremont county, where coal was first mined in the state, are "played out" to some extent, but the coal mines generally are in good condition, and improvements have been made in ventilation in many mines throughout the state. During the past year there were nineteen fatal accidents in coal mines, fifteen of these occasioned by the fall of rock or coal, and by the bad management of inexperienced miners. The coal mine inspector recommends, and I think wisely, that mine bosses and superintendents be required to pass an examination as to their capacity to hold such positions.

Some measure should be provided to compel a just weighing of the coal mined—the men complaining with reason that they mine many tons of coal for which they receive no pay. I recommend to the General Assembly to amend the law in this respect so as to do justice to the miners, also to prevent any coal company from issuing scrip in payment for work, redeemable in goods at the company's or any other store. This can be done by the passage of a law requiring the coal companies to pay their workmen every two weeks in lawful money, a similar law being enforced in many states. I recommend an amendment to the present law, making it imperative

upon the coal mine inspector, either himself or deputy to make at least a semi-annual examination and report of every coal mine in the state employing twenty miners or more.

The coal miners' strike last summer was very general, and between four and five thousand coal miners in Las Animas, Fremont, Huerfano, Garfield, Gunnison and La Plata counties suspended work for several months. It is not to be supposed that so many miners, many of them with families dependent upon regular labor, would strike without reason, but in this case, as in most strikes, great injury was sustained by the miners and coal owners, with but little or perhaps no corresponding benefit. It ought to be generally understood at the present time, that the only strike that can possibly produce any benefit to labor is with the ballot. To strike effectively with the ballot requires education and patience, more in many cases than the laboring classes now possess. It is not a Utopian idea that the great mass of the people will in time become sufficiently well informed to understand the political principles which tend to their prosperity, and will possess sufficient patriotism to vote for their own and the general welfare, regardless of bribery or intimidation. Any other theory presupposes that the people are incapable of self-government.

#### SOLDIERS' AND SAILORS' HOME.

This institution deserves the favor and care of the state. Its management, like that of most of the

state institutions, had fallen into a rut, during the long lease of Republican power in the state. On an investigation by the state committee of charities and corrections, a majority of the old board resigned, a new board was appointed and an improved management instituted. Unfortunately the board and the state auditor do not agree, and the home is cramped for funds. I trust the affairs of the Soldiers' and Sailors' Home will receive your early attention. It is conceded, as I am informed, that the location of the home is not a good one. If Fort Lyon, with its present government buildings, abandoned as a military post, can be obtained as a home, I would recommend that the Soldiers' and Sailors' Home be removed to Fort Lyon, and the buildings and grounds at Monte Vista be occupied by some other state institution.

The present commissioners, Warner A. Root, president, have made a complete and detailed report of everything connected with the home, and I refer that report to your favorable consideration.

#### MILITARY.

The report of the adjutant general and the inspector general are herewith submitted, and I call attention to them and to the recommendations made. In settling up the expenses incurred in calling out the national guard, it was found that under the

present regulations, the pay of the officers was extravagant and the pay of the privates in contrast was ridiculous.

I recommend that the injustice be remedied by cutting down the officers' pay and increasing that of the privates. Also that neither the adjutant general nor the inspector general, while drawing his salary as such officer, shall be entitled to other pay, in the field, and draw two salaries at the same time. That the secretary of state furnish the adjutant general's office with stationery supplies and furniture, the same as other state officers. There are several recommendations in the reports of both the adjutant and inspector general, which I commend to your favorable consideration.

#### STATE CAPITOL.

The report of the state capitol managers is herewith submitted:

During the past two years much has been accomplished on the capitol building, and the work has been well done. It is a fault in the construction, in my judgment, that large brick columns were used in the support of the dome and central part of the building. Steel columns would be equally durable and strong, and take up not over one-sixth part of the room. But the building is a marvel of good honest work, and will be a lasting tribute to its builders and managers.

I cannot but think, however, that the machinery of the board of capitol managers—four members at a salary of \$2,500 each, a secretary and superintendent, same salary—making \$15,000 per annum, has become unnecessary. For a year longer the services of a superintendent and secretary will be needed, but the services of the four salaried managers should be dispensed with. This will involve legislation, as the law creating the board, as construed by the supreme court, keeps the board in office until the capitol building is both completed and furnished. The law, therefore, provides practically that the office of managers, which so far as a majority of the board is concerned, has long been a sinecure, shall be perpetual. I recommend the repeal of the present law, and to provide that the governor, secretary of state and state auditor shall be a Board of Capitol Managers without salary, who shall appoint a salaried secretary and superintendent, to serve until the building shall be completed.

#### HOUSE OF THE GOOD SHEPHERD.

During the administration of Governor Adams, an agreement was made by the governor on the part of the state, and by representatives of the House of the Good Shepherd, providing that girls convicted of incorrigibility should be sentenced to imprisonment in that house—a Catholic institution, and that the counties from which these incorrigible girls should

be sent, should pay a stipulated price per week for their keeping. Undoubtedly this agreement was illegal, because the House of the Good Shepherd is a well known sectarian institution. The contract has occasioned much dissatisfaction, and some of the counties of the state refuse to pay their quota of expenses. But the House of the Good Shepherd has continued to fill its contract with the state. In view of all which I recommend that the state assume and pay the unpaid portion of such expenses at the contract price, and that, as soon as practicable, the general assembly provide a state home for incorrigible girls.

#### BOARD OF PARDONS.

I take great pleasure in recommending the repeal of the act creating the pardon board. Such a body relieves the governor of many unpleasant duties, but the state constitution requires their performance at his hands, and it is better that he should act under a full sense of his official responsibility, rather than applications for executive clemency should be determined by any irresponsible body, whose action is wholly without constitutional authority. That sentences for crime are often unequal is true, but the indeterminate sentence would only remedy that evil in form. Owing to the imperfection of all human means, it is not improbable that those soonest paroled under the indeterminate sentence plan, would be those the least entitled to clemency.

The present state reformatory act, if properly amended in accordance with the intent and spirit of the act, making a part of the sentences for indefinite terms obligatory upon judges of our criminal courts, instead of optional, will afford all the relief in this direction which it is wise to grant.

This act provides substantially: That courts having criminal jurisdiction may sentence to the reformatory at Buena Vista for an indefinite term (but in no case is the imprisonment to exceed the longest period fixed by law as the highest penalty for the crime committed), all male persons duly convicted before them of felony, who shall at the time of the sentence be of the full age of 16 years, and not more than 30 years of age; and all male persons duly convicted before them of a misdemeanor, when the term of imprisonment shall not be less than ninety days. This limitation as to age does not apply to cases where the penalty is imprisonment for life, and perhaps ought not to apply to cases showing extreme viciousness, and might be further changed so as to except those who may have served a previous term in the penitentiary. This would provide for the indeterminate sentence for all to whom in my judgment it ought to be allowed. It would separate the two classes of criminals, the old and hardened and the second and third termers, from the younger class of criminals, the most likely to reform. There may be no objection to the discipline, to the record

of conduct, etc., prescribed by the act, which is to determine when the criminal is to be paroled, but parole in such cases is practically a pardon, and the final act or parol which is to release the criminal from confinement should be performed by the chief executive of the state, upon such recommendation or evidence as shall convince him that the clemency is deserved, and he should report to the legislature an abstract of all cases of parole as well as pardon.

In case the reformatory act is amended, making the indeterminate sentence in certain cases obligatory by the courts, I recommend the appointment of a board of parol, to consist of three commissioners, no two of them to be of the same political party and to be appointed by the governor.

I also recommend:

That a state agent be appointed to find employment for paroled and pardoned convicts.

That the cottage plan be adopted in the erection of new buildings at state institutions.

That commissioners and boards be entitled to pay only for actual expenses incurred.

That a state public school be established for instruction in the common branches of English education.

That a state industrial school for girls, and also a home for feeble minded and epileptics be established.

## STATE PENITENTIARY.

April 3, 1893, the governor received a letter from F. A. Raynolds, a penitentiary commissioner, stating that he was accused of official irregularities, and demanding an investigation.

April 22, 1893, the matter was referred to the State Board of Charities and Corrections, who appointed an investigating committee.

April 28, 1893, this committee met at Canon City to hear testimony. Mr. Raynolds appeared in person, and also by counsel. There was no appearance by the complainant, J. W. McCandless. The witnesses were D. H. Nichols, at that time one of the penitentiary commissioners; W. A. Smith, the previous warden; Frank A. McLister, the present warden, and Mr. Raynolds, all for the defendant, and the hearing was continued to September 11, 1893. October 27 and 30, 1893, argument was heard by this committee, which thereafter made their report to the governor, who, on the 4th day of December, found the fourth charge sustained, as follows:

"Whereas, It appears from the testimony taken by said committee, and from their report, that the said F. A. Raynolds, being at the time one of the penitentiary commissioners, and also a banker at Canon City, did knowingly receive from the warden, W. A. Smith, a large amount of money belonging to the

state, not less than \$14,000 being constantly deposited in the said Raynolds' bank, for which he paid no interest, and the said Raynolds, as one of the penitentiary commissioners, at the time had official supervision of the said warden's management of said penitentiary; and

"Whereas, Although there may be no statute directly prohibiting a state official from the act complained of, such an act is against public policy, and the state has a right to demand that its officers shall perform their official duties without fee or reward, except such as the law provides.

I find F. A. Raynolds, in so receiving and using the money of the state, under the circumstances above recited, was guilty of malfeasance in office."

And thereupon said F. A. Raynolds was removed from his office as a penitentiary commissioner.

The said F. A. Raynolds chose to consider said order of removal invalid, and refused to surrender his office, or to cease to perform its functions.

December 3, 1893, D. H. Nichols' hold-over term expired, and I. D. Chamberlain was appointed to fill the vacancy.

February 17, 1894, application was made by the governor to supreme court to decide as to legality of penitentiary commissioners paroling penitentiary prisoners from the reformatory without regard to their term of sentence at the penitentiary.

March 5, 1894, supreme court declined to make a decision.

April 24, 1894, summons issued from the governor's office to F. A. Raynolds, Charles H. Boettcher and I. D. Chamberlain to appear to answer charges.

1. Appointment of detective for penitentiary and reformatory, contrary to law; and

2. Parolling, contrary to law, thirty-eight penitentiary prisoners transferred from penitentiary to reformatory, and before their terms with penitentiary commutation had expired.

The case was heard and argued at various times and the governor found both charges sustained, and removed the said commissioners from office and appointed in their stead Thomas C. Winbourne, of Fort Lupton; William Wiles, of Denver, and Franklin F. McLellon, of Colorado Springs.

Section 15 of the reformatory act provides that courts shall sentence prisoners to the reformatory for indefinite terms and not definite. It nowhere gives to the commissioners power to set aside the definite term judgments of the courts, except in section 16, page 421, Laws 1889, it is provided, that "if through oversight or otherwise any person be sentenced to the reformatory for a definite term" (contrary to law), such term shall be treated as if it had been for an indefinite term. The only power to grant reprieves, commutations and pardons after a sentence has been

fixed by law is in the governor of the state. Attorney General Engley is of the opinion that the state reformatory act is unconstitutional; but conceding that it is constitutional, the reformatory act must be restricted by its own terms. The provision, section 24, reformatory act, that convicts may be transferred from the penitentiary to the reformatory, very properly says that their education and treatment at the reformatory must be "under the rules and regulations thereof," and then it lays down this rule, in the last half of the section: "And the board of commissioners are hereby authorized to receive and detain, *during the term of their sentence at the state penitentiary,* such prisoners so transferred; and *the law applicable to convicts in the state penitentiary, as far as they relate to the commutation of prisoners for good conduct, shall be applicable to said convicts when transferred under this section.*"

From May 4, 1891, to October 13, 1892, the number of convicts transferred from penitentiary to reformatory was 107, of which number eight were returned to penitentiary. How many, and who were paroled, there is no account in the biennial penitentiary report made November 30, 1892.

For the two years ending November 30, 1894, the number of convicts transferred from penitentiary to reformatory was 92, of whom 39 were paroled in year ending November 30, 1893, and 23 were paroled in year ending November 30, 1894.

The evidence taken before the committee appointed by the board of charities and corrections to investigate charges against Commissioner Raynolds, all of which testimony was introduced by the defendant, proye that not less than \$20,000 belonging to the state was constantly kept on hand in Canon City banks, about two-thirds of which money was deposited in Commissioner Raynolds' bank, and no interest was paid thereon; that the flour for the prison was supplied by the Canon City mills, in which Commissioner Raynolds was a large stockholder; that a ranch was rented for the penitentiary, which ranch belonged to Kountze and Raynolds.

The fact that the provision and land contracts, in which Commissioner Raynolds was personally interested, were let by the other commissioners, Mr. Raynolds temporarily withdrawing from the meeting when such action was taken, was only an evasion of the law, and an acknowledgement that these contracts were unlawful, and ought not to have been let.

That the penitentiary commissioners, in violation of the express terms of the reformatory act, paroled forty or fifty Canon City convicts, of which they have never made any return, convinces the governor that this invasion of the constitutional rights of the state executive, was not committed ignorantly; the further fact that these commissioners appeared before the supreme court to prevent that court, upon the request of the governor, to decide whether

such parols were or were not constitutional, and the still further fact that these commissioners when constitutionally removed from their office, in accordance with the provision of section 6, article 4, of the state constitution, refuse to vacate their positions, is proof to my mind that their management has been such as will not sustain an honest and rigid investigation.

That a pardon ring has existed for years in this state, which has procured pardons for money, I most firmly believe, and this ring has been so extensive that it has included minor officials in both the penitentiary and reformatory, who, in some cases, have influenced the official action of the commissioners and warden, though doubtless ignorantly on their part.

In August, 1893, I went to Chicago, to be gone about two weeks. On the day before I left Denver, a petition was received for the pardon of a convict at the penitentiary, which petition was referred to the pardon board. The next day Lieutenant Governor Nichols took my place as acting governor. I had been informed that this application was being pushed by the pardon ring for money, but did not think anything would be done in the governor's office until the pardon board had considered it; but the very day after I left, Governor Nichols was persuaded to recall the petition from the secretary of the pardon board before any action whatever had been taken by the board, and Governor Nichols is-

sued a full pardon. About the first of September, 1893, I again went East, and was gone about five weeks. I left a letter for Governor Nichols, stating briefly that so and so, who had been pardoned last month, ought not to have received executive clemency, and that it was a case connected with the pardon ring. Governor Nichols was also notified that there was another corrupt money application about to be made for the pardon of one Stratton, and Governor Nichols was requested to take no action in the Stratton case if petition should be presented; but so powerful, so all-pervading was the influence and knowledge of this pardon ring, than when it was apparent that no attempt to procure the release of this man could be obtained by pardon, an inexplicable influence was brought to bear upon Warden McLister, who granted to this most desperate criminal in the prison, the freedom of the corridor and a night guard was placed in charge, who proved to be in collusion with the prisoner, and Stratton climbed up on top of the cells, broke through the roof, and escaped.

#### THE WORLD'S FAIR.

The report of O. C. French, secretary of the World's Fair Board of Colorado, is herewith submitted. My own connection with this board was, that by virtue of my election as governor, to succeed Governor Routt, I became president of the board. This was after the appropriation had been made by the general assembly, all officers appointed, contracts

made, state building constructed, etc. I simply became a figure-head, to carry out arrangements previously made, and to sign vouchers and approve claims presented. So far as the state exhibits are concerned, they were very creditable to the exhibitors, Colorado receiving more premiums than any other state in the Union except two, and no other state showed such diversified resources or future possibilities. The mining display of Colorado attracted perhaps the most attention. Such exhibitions have usually consisted of massive displays of attractive ores from a few mines, without regard to values, but Colorado adopted the plan of diversified and classified exhibits, and thus displayed the products of over 900 mines, scientifically classified and arranged and received special approval by the jurors, and forty premiums were awarded on mining exhibits.

There were thirty-four awards to the women's department of Colorado.

In horticulture, eleven premiums. Many more premiums would have been awarded Colorado in this department, but for a rule that each exhibitor must display twenty different varieties.

In the agricultural department there were seventy-one premiums.

In the liberal arts, thirty-three premiums.

The Colorado state building cost \$31,812.85. It was built on contract with great rapidity, but the cost was excessive. The building could have been erected, and better built for one-half the money.

The historical department, including ethnology and the cliff-dweller relics, received five awards.

The Agricultural College, Fort Collins, received a premium on forestry.

In manufactures, twenty-three awards.

In transportation, one award.

The total amount funds received from state was \$132,054.44.

An attempt was made to keep expenses within the appropriation, but it was a failure. Even some of the contractors on the state building presented bills for extras. The supplemental bills allowed by the board amount to a little over \$1,600, and nearly \$1,700 more have been allowed by the auditing committee, and probably there are "several other counties to hear from."

About \$1,500, paid somebody for the use of part of the state building to sell Manitou mineral water and curios, appears to have been "lost in the shuffle."

#### THE AGRICULTURAL SCHOOL AND THE SCHOOL OF MINES.

I regard these institutions as of great practical value to the state. Their graduates may not be as

well posted on Greek roots or metaphysical abstractions as the graduates of some other colleges, but they stand a good chance to have more horse-sense. The agricultural school and the School of Mines have attained great prosperity under their present management. In instruction in the specialties of these institutions, each school should be liberally encouraged by the state. It is bad policy to make appropriations to half a dozen schools for teaching the same specialty, and thus waste the energy and substance of the state.

I take pride in calling your attention to the report of President Ellis and endorse his various recommendations. The annual report for 1894 of President Chauvenet, of the School of Mines, is a highly scientific and practical document. These reports supply to some extent the lack of a state geological survey, and furnish reliable information concerning the mineral and economic possibilities of the state. The report just made contains: First—Preliminary notes on the iron resources of Colorado. Second—Review of the mining interests of the San Juan region. Third—Report on the oil fields of Fremont county. Fourth—The Trinidad coal region, Southern Colorado, and fifth—The coal fields at Crested Butte in Gunnison county.

The state could not do a wiser thing in calling attention to the resources of Colorado, than to make the faculty of the School of Mines under President

Chauvenet a commission to make for general distribution a report upon the geology and mineral advantages of the gold fields in Cripple Creek and Leadville.

#### FISH AND GAME.

I call your attention to the report of Game Warden Callicotte. The cost to the state in the years 1891-92 to keep up this department was \$34,600. This expense for the years 1893-94 has been reduced to \$27,000. The cost of the fish under the previous administration was \$8.40 per thousand, and this cost to the state has been reduced to \$4 per thousand. The output in 1891-92 was 1,794,500 fish, and the output for 1893-94 was increased to 2,750,000, and during the two years, viz., 1893-94, 285 violations of law were reported, 104 arrests were made and seventy-five convictions secured.

The game and fish warden department was originally intended, as I have been informed, for political purposes, and to afford a haven of refuge for active Republican politicians, to draw pay from the state, instead of from state and county committees.

Under the present Populist state administration, a practical fish expert—Mr. Callicotte, was made game warden and he has applied practical and business management to the department, and devoted his entire time to the performance of his official duties, increasing the number of fish distributed over

the amount distributed in preceding two years 60 per cent., and diminishing the cost per thousand more than 50 per cent. I have before me the report of the predecessor of Mr. Callicotte as game warden. The report contains no statement of the expenses of the department for years 1891-92, although Mr. Callicotte states that the expenses to the state for fish and game purposes during those years was \$34,600. No arrests whatever appear to have been made for violation of fish and game laws under Land's administration, but during Professor Callicotte's "era of Populist misrule" 104 arrests were made and seventy-eight violaters of the law convicted and fined. With all this increased yield and distribution of fish, and partial enforcement of the game laws the expense to the state was reduced from \$34,600 to \$27,000.

I recommend that the forestry department, for which, notwithstanding its usefulness, no appropriation was made by the Eighth and Ninth General Assemblies, be consolidated with the fish and game department, and that a commission of three be appointed by the governor, no two of whom shall belong to any one political party, who shall have charge of forestry, fish and game and the appointment of a superintendent, who shall devote his entire time to the duties of his office.

## BENEDICTINE CONVENT.

An appropriation of money, materials and prison labor was made by the Ninth General Assembly for the benefit of the Benedictine Sisters at Canon City, whose academy had been shattered by explosives in excavating the tunnel through the "hog-back" near the premises. The shattered and dangerous building was taken down by the state, but in consequence of the deficiency in the collection of taxes during 1893, there was not money in the treasury to pay the appropriation, and it was claimed by the warden that he had not sufficient funds to properly guard the convicts when at work to rebuild the convent. I made a personal examination of the premises before they were razed, and though inclined to be skeptical, in relation to the damage being occasioned by the alleged cause, I became convinced that the building, being located on the same stratum in which the explosions had been made, was shattered in consequence of said explosions, and that the state was justly liable for the damage occasioned.

I recommend an appropriation to rebuild the academy.

## STOCK INSPECTION.

The former treasurer of the stock inspection board turned over to the present board an account of cash received on sale of estrays, owners unknown:

Sale of estrays, owners unknown .....	\$ 9,283 04
During 1893-94 the present treasurer has received for estrays sold .....	17,141 89
Total .....	\$ 26,424 93
Cash paid owners for 725 of these estrays... \$ 15,227 53	
Cash paid for expenses .....	150 00
	15,377 53
Balance on hand .....	\$ 11,047 40

As the owners of a portion of these estrays are unknown, this fund accumulates, and the board recommend a statute providing that this balance may be drawn upon as needed for necessary expenses of the board, also for additional needed inspectors and for prosecution of cattle thieves.

Previous boards, as they allege, have used this fund for these purposes, but without any authority in law. They should be required to make a complete and itemized statement for every dollar thus used.

#### CATTLE DISEASES.

I call your attention to the very able report of the state veterinary surgeon. He gives a scientific description of the various contagious diseases which, during previous state administrations, have occasioned a loss to our cattle men of often over a million dollars annually, at one time over seventy herds in the state being infected with Texas fever. By the prompt and thorough action of the state veterinary surgeon these diseases for the past two years have been kept out of the state by preventive measures, or have been

stampeded out after they had obtained a foot-hold. He has compelled a rigid inspection and quarantine of cattle brought into the state, and where herds of diseased sheep threatened irruption from Utah and New Mexico, and in some cases had actually forced or stolen their way into the state, he has either turned them back, and persuaded them to leave the state, or isolated the diseased flocks and herds so as to prevent any spread of contagious disease. At his request I have issued two proclamations in relation to the importation of diseased cattle and sheep into the state. These matters have been left very largely to the discretion of Surgeon Gresswell, who in every instance has so wisely used his power, as generally to compel the observance of the law, without difficulty.

His experience during the last two years enables him to make some very judicious suggestions in relation to amendments to the sanitary and quarantine laws of the state and the law in relation to the condemnation of cattle, and to provide for a better and more economical state control of sanitation and a more successful quarantine, all of which I most heartily endorse. I also recommend the increased appropriation asked for by the State Veterinary Board to make its work still more useful and effective.

#### RAILROAD LEGISLATION.

One of the first acts passed by the Ninth General Assembly repealed the railroad law, which was an

pitome of the railway legislation of the state, and provided for a railroad commissioner, with power in regard to unjust transportation rates and freight discriminations. In my veto of this repeal act, it was stated that the people had derived some benefit from the law, and "it is in the fear that such will be the result of the law under a state administration pledged to do equal and exact justice to both the railroads and the people, that prompted the railroads to demand the repeal of the present law." To pass the act over the veto required a two-thirds vote in each house, which made it necessary to break into the Populist ranks. The required two-thirds were obtained, and by the repeal of this act the state is left without a line of statute railroad legislation. Within the past two years a large portion of the railroad lines in the state has gone into the hands of U. S. receivers. The present appears to be a favorable time for Colorado to provide a law to relieve business from the outrageous discrimination in freights, which has killed the enterprise of the manufacturers of Denver, Pueblo and other cities of Colorado. Heretofore the different lines of railroad could combine and pool at pleasure, but with three-fourths of the railways in the hands of receivers, who are unable, without open violation of law, to combine, to make unjust freight discriminations, the Tenth General Assembly has an opportunity to enact railroad legislation such as shall be just to all parties, and will free the business of the state from burdens it is con-

fessedly unable to bear. I invite your attention to discussions and resolutions adopted during the month of December by the chamber of commerce of this city. I take great pleasure in endorsing this recommendation of the chamber of commerce, that you memorialize Congress, requesting the United States government to foreclose its mortgages on the Union Pacific railway, to take possession and run this railroad as absolute owner. The chamber of commerce of San Francisco adopted a similar resolution. History is fast settling the railroad question, and settling it in favor of government control. Left to private enterprise, the United States railway management has become in many cases in all the world a stench in the nostrils of fair dealing and common honesty. The issue of fictitious stock, and dividends secretly paid out of the capital, instead of the earnings of the railways, so that the stock could be sold by the management to investors at four to five times its real value, together with the exaggerated and unreasonable salaries paid to managers and attorneys, has destroyed confidence at home and abroad in the integrity and capacity of private railway management. The decision of the United States courts in the so-called "granger cases," and which is now the law, declares railroads to be public highways and railroad companies common carriers, without power to make unjust discriminations; the fact, is, however, that unjust discriminations are the rule. The millions unaccounted for in the management of the Atchison,

Topeka & Santa Fe railway and which appeared when that road went into the hands of a receiver, were merely rebates paid to certain favored shippers. Some of the prominent railway companies of the country, notably the Pennsylvania railroad, contracted with the Standard Oil Company to ship all oil at 35 cents a barrel, but it had a secret arrangement that the Pennsylvania railroad should grant the Standard Oil Company not only a rebate of 25 cents a barrel on the oil shipped by that company, but also pay over to the Standard Oil Company 25 cents of the 35 cents freight collected of all other shippers of oil! Such a policy, so illegal, so ruinous to the railway itself, involves bribery, and proves that the end of private enterprise in railway management draweth nigh.

#### CITY HALL TROUBLES.

It became my duty after the passage of the bill for a new charter of the city of Denver, to appoint a board of police. The appointees had been in office but a short time when one Coryell was openly charged with and confessed to collecting tribute from the gamblers for police protection. This practice of blackmail has been by no means confined to the city of Denver. Late investigations show that it prevails in New York, Chicago, St. Louis and in nearly all the principal cities of the country, to such an extent that municipal corruption has become a national disgrace. It is my firm belief that any system of

protection or so-called "regulation" of gambling or prostitution, which permits the practice of these vices contrary to the plain letter of the statute, necessarily involves blackmail and the vilest corruption. In the Denver case the crime was admitted, but no investigation was made by the police board, and upon charges, Messrs. Stone and Phelps, two of the police commissioners, were removed. The removed commissioners declined to surrender their offices, but the new appointees, Messrs. Orr and Martin, took possession, and on the question of title the district court decided against Stone and Phelps, which decision was affirmed by the supreme court. In a short time it was apparent that the majority of the police board, Orr and Martin, were sending policemen to the gambling houses, ostensibly to keep the peace, but really to protect the illegal business of gambling, and that the system of blackmail prevalent for so many years had been resumed. Messrs. Orr and Martin were cited to appear before the governor for violation of law, were found guilty and were removed. Messrs. Mullins and Barnes were appointed in their stead; but Orr and Martin resisted the induction into office of the new police commissioners. The police force and the firemen, under control of Orr and Martin, were armed, concentrated in the city hall, and ordered to resist the lawful police commissioners. The sheriff of the county of Arapahoe also appointed several hundred deputy sheriffs, among whom were some of the most disreputable toughs in the city, who were

also put in the city hall, armed with guns, pistols and even dynamite, and for nearly a week were in open insurrection against the authority of the state. The governor called out the national guard of Denver. Not only the gambling element, but the capitalists of the city in their various organizations, and the courts combined against the authority of the state. Two of the district judges issued most extraordinary injunctions, restraining the executive department from executing its duties, and virtually over-ruling the decision of the supreme court in the Stone-Phelps case, and it was no secret that the old board intended to retain possession of their offices by collusion with the courts, until the governor's term expired. While the national guard was on its way from the armory to the city hall, a committee from the chamber of commerce plead with the governor to suspend hostilities with a view to arbitration. But members of that committee, while passing through the military lines, pleaded with the officers of the national guard to refuse to obey orders, and at the same time other prominent citizens were pleading with the insurrectionists in the city hall not to back down. Late in the afternoon I was told that Brigadier General McCook, of the U. S. army, was willing to assist the national guard in putting down insurrection, and desiring to prevent bloodshed, I sent a letter to General McCook as follows:

State of Colorado Executive Chamber,  
Denver, March 15, 5:20 p. m., 1894.

BRIGADIER GENERAL MCCOOK,  
United States Army:

I have called out the militia (national guard) in Denver to enforce the laws of the state. I find an organized opposition by the city police, detective force and the sheriff's office. I can enforce the laws, but not without great bloodshed. As governor of the state I call upon you to assist me in preserving order and preventing bloodshed.

(Signed.)                   DAVIS H. WAITE,  
                                 Governor of Colorado.

In reply General McCook sent the following:

Headquarters Department of the Colorado,  
Denver, Colo., March 15, 1894.

DAVIS H. WAITE,  
Governor:

In pursuance of your demand, this moment received, I have ordered the troops from Fort Logan to come at once to the city for the sole purpose of preserving peace. I act in this matter under paragraph 585, army regulations. I consider a crisis imminent and insurrection and riot against the executive authority of the state of Colorado. The troops upon arrival will be directed to act with great discretion, and I will see that the laws of the land are not

violated. I would recommend that an order issue that the national guard return to their armory.

(Signed.)

A. McD. M'COOK,

Brigadier General Commanding.

I declined to order the national guard back to their armory but expressed a desire for a conference with the brigadier general or Colonel Merriam when the troops arrived.

The troops came, but halted and went into camp at the depot. About one hour after, General McCook called at my residence and we had a conversation. I had previously learned that General McCook, on the arrival of the troops or immediately before, had a conference with some of the very men whom I had characterized in my letter to him as in insurrection against the state. From the words in the general's reply to my letter, "I consider a crisis imminent and, insurrection and riot against the executive authority of the state of Colorado," I had inferred that the general also considered these parties in insurrection against the state. In this conversation I requested his assistance by ordering the United States troops to draw up on Fourteenth street alongside the city hall, but General McCook said he had no authority. I then waived the question of any active assistance whatever, but requested him to order the United States troops to march and halt alongside of the national guard, on the east side of Larimer street, stating

that the mere display of United States troops was all that was required to make the insurgents vacate the city hall, but General McCook declined to order the troops under existing circumstances from the depot.

It was now late in the evening of the 15th and the national guard returned to the armory, but remained under arms. The next day, finding that according to the views entertained by General McCook, no practical assistance would be rendered to the state by the United States troops, I respectfully withdrew my request for military aid, and after a few days the United States troops returned to Fort Logan. In the meantime the Denver national guard were held subject to call at any moment and the armory was well guarded. All the national guards in the state were also notified to be under arms. A committee of safety, consisting of some of the most prominent citizens of Denver, waited upon me by a sub-committee, of which Mr. Vaile was chairman. Mr. Vaile said to me substantially: "Governor, as a lawyer I must say that legally you are right in this matter, but there is great excitement, great danger of riot and bloodshed, and we ask you under the circumstances to concede, and not enforce your rights by military power." But I answered "I had rather die a thousand deaths than to allow a single prerogative that constitutionally belongs to my office, to be taken away while I am governor." The legal ques-

tion as to the right of Orr and Martin was already before the supreme court, and an informal arrangement was made, that the court within five days should decide the case. The supreme court did decide, and decided in favor of Mullins and Barnes.

#### CRIPPLE CREEK DIFFICULTIES—FIRST CAMPAIGN.

March 16, 1894, about midnight, a party of deputy sheriffs of El Paso county came into collision with the city officers of Altman, and one of the deputies was wounded. The sheriff represented that a riot existed which he was unable to manage with any force at his command, and March 17, five companies of the national guard were ordered from Denver under command of Brigadier General E. J. Brooks.

I quote the following from the very able report of Adjutant General Tarsney as containing in a condensed form all it is necessary to say in relation to the first campaign at Cripple Creek.

"At a conference between Generals Brooks and Tarsney at Cripple Creek with the county officials and business men of Cripple Creek, the conditions of the city and adjacent mining camps were described, and statements made that there was no safety for life or property, the civil authorities were unable to preserve peace and the roads and trails were guarded by armed men, openly defying the officers of the law. Sheriff Bowers was present and declared his inability to serve the process of

the courts. A careful inquiry into these affairs by Generals Brooks and Tarsney disclosed the fact that no person in the county had been charged with the commission of any offense in regard to the existing labor troubles, that no warrant or other process of court had ever issued and that neither the sheriff or any of his deputies had ever been resisted in any way, nor had Sheriff Bowers ever been or had he sought to go to Bull Hill where it was alleged that the trouble existed."

These facts were telephoned to the governor, who ordered the two generals to confer also with the miners and hear their statement. Representatives of the miners came into Cripple Creek and stated that "no resistance to constituted authority had been offered by any one in the mining district, and that no disturbances of any kind had occurred, beyond the ordinary small offenses common to mining camps."

On the 20th, by order of the governor, the national guard returned to Denver. Eighteen men for whom warrants were obtained on the 19th or 20th voluntarily surrendered. They were taken to Colorado Springs, jailed for a time, and although they had been selected as the worst cases in the mining district, and were charged upon oath of the sheriff as guilty of high crimes, they were dismissed without a trial, except two (Calderwood and Russell), who were tried and acquitted before an El Paso jury.

## SECOND CRIPPLE CREEK CAMPAIGN.

During the month of April and to the 20th of May, quiet existed in the Cripple Creek district. The largest producing mines were, however, closed, and many miners idle, although three-fourths of all the mines had continued in operation with eight hours for a day's work and \$3 a day pay. The closed mines belonged to non-resident owners and were voluntarily shut down, as it is claimed, in order to save \$3 freight on ore per ton to the railroad terminal.

Meanwhile the sheriff of El Paso county, with the knowledge and authority of the county commissioners of El Paso county, was engaged in enlisting men, and swearing them in as deputy sheriffs, until he had enlisted about 1,200 men, divided into infantry, cavalry and artillery. About May 20, 1894, of this illegally organized force, nearly 200 were sent by way of Pueblo and Florence to take forcible possession of the mines near Victor, and thus the right to levy war, which neither the governor of a state and the general assembly combined, nor even the President of the United States can lawfully do, was usurped by the county of El Paso. This department of 200 men did not make the contemplated attack. The El Paso county troops, however, constantly concentrated and drew nearer to the mining district, and it was evident that hostilities could not much longer be delayed. Mr. Hagerman and two other

gentlemen from Colorado Springs attempted to arbitrate the matters of difference in the Cripple Creek mining district, but the attempt failed. On the 27th of May, by the courtesy of E. T. Jeffery, president of the Denver & Rio Grande railway, a gentlemen for whom I desire to express my most sincere admiration and respect, I was sent by special train by night, Denver to Victor. On the 28th I held a conference at Altman with the miners and was chosen sole arbitrator for them. I telegraphed to Mr. Hagerman to meet me at Colorado Springs, but owing to the floods at that time I did not reach Colorado Springs until June 2. I had no difficulty in making terms of arbitration with Mr. Hagerman, but outside parties—lawyers and politicians—prevented any settlement, and I returned same night (Saturday) to Denver. Next morning the daily papers contained the news that bands of armed men were assembling in many mining camps of the state, to aid the miners of Cripple Creek. On Sunday I was informed that many gentlemen representing the most important business interests of the state had become anxious for a settlement. Another arbitration conference was held on Sunday, at which the governor appeared for the miners and Messrs. Hagerman and Moffat for the mine-owners. A fair and just arbitration was agreed upon, but so inflamed had become the minds of a majority of the people of Colorado Springs, and so determined were the politicians of the state that these difficulties should not be

settled, that the governor issued his proclamation and called out all the national guards of the state to preserve the peace. On the 6th of June General Brooks marched between the opposing forces—the El Paso troops attacking and miners defending—and notified Sheriff Bowers that he (General Brooks) was ordered to prevent bloodshed, to restore quiet and to enforce the law; that no further advance by the deputies would be permitted, and that all further operations were to be under his (Brooks') command, to which Sheriff Bowers agreed. Notwithstanding this the entire force of deputies, the following morning, left their camp in three columns, moving towards Bull Hill. General Brooks and his staff pursued the deputies, overtaking first Sheriff Bowers' column. The sheriff offered as an excuse for breaking the agreement, that "he had no control over his men." Another column was under the nominal command of one Adams, who was told that the national guard would fire upon them if they did not return. This alternative was communicated to all the deputies, and within a short time they all returned to their camp in Beaver Park.

The miners peaceably surrendered to the national guard, and on the 9th of June the deputies, to the number of 1,100, broke camp at Beaver Creek and returned to Cripple Creek and afterwards to Colorado Springs, where they were paid and discharged. The national guard, with the exception of a small detach-

ment, kept near Victor, returned to their homes. Peace and quiet was restored, and, thanks be to Almighty God, without the loss of a single life at the hands of the national guard.

I desire in the name of the state of Colorado, to tender to each and every member of the national guard, both officers and privates, the thanks of the commander-in-chief for their prompt obedience to orders, their bravery in the field, and their patriotism and loyalty to the state.

#### THE SILVER ISSUE.

At the special session of the Ninth General Assembly, I delivered a message, which, commencing with the sub-head, "The War Upon Silver," might well be repeated to this Tenth General Assembly. The events of the past year but emphasize the statements then made as to the policy which this state should adopt in relation to silver. The non-partisan and defensive mode of warfare heretofore practiced by the friends of silver, has been a complete failure. If the free coinage of silver is ever obtained, it will be by an open and aggressive war on the part of the People's party, and by a resort to all of the rights, both state and national, which the people possess. The most important of these rights, in my opinion, is to restore that ancient landmark which existed in the history of this country from 1776 to 1857, a period of eighty-one years (and terminated then not by any legislation, but by fraud in a pretended revision of

the United States statutes), and in pursuance of section 10, article 1, United States Constitution, make gold and silver dollars, foreign and domestic, containing not less than 412 1-2 grains silver nine-tenths fine, a legal tender for the payment of all debts, public and private, collectible in the state of Colorado. Our constitutional right to do this is indisputable; it would be a step in the right direction, and would go far to make silver coins containing not less than 371 1-4 grains fine silver worth one dollar in value—a condition which the free coinage of silver must inevitably accomplish.

I recommend this aggressive measure to the Tenth General Assembly as a part of my official dnty at this time, as completely in line with the platform of the only party which favors the free coinage of silver, and as the only means by which the free coinage of silver can ever be accomplished. The trouble with us has been that we have had in our ranks half-hearted and false friends, whose bug-bear is radicalism—whose estates are so incumbered by debt, that the very existence of the mortgagors depends on the will of bankers, or possibly some of these half-hearted Populists are fools enough to put their trust in princes, and believe that Wall Street will finally assist in obtaining the free coinage of silver. No political party can succeed until rid of its treasonable factionists. It is a matter of congratulation that at the last election the issues were so clearly defined

and so imminent that the devil claimed his own, and the traitors who had been so long masquerading as silver Democrats and Populists were compelled to throw off their disguise, and openly cling to the bosom of the Republican party—a party responsible before God and man for the destruction of our silver product, the depreciation within the last eighteen months of all real and personal property in the state (except money and money securities) to less than one-half their former value, and the loss of employment to thousands upon thousands of silver miners.

#### FINANCIAL PANIC OF 1893.

It is not denied that the value of property, real and personal, except money, in the state of Colorado, within the last two years has depreciated at least 50 per cent. The Kittredge block in Denver was valued in 1892 at \$600,000. It was mortgaged for \$240,000, and after the panic was sold on foreclosure of trust deed at \$225,000—only 37 per cent. of its value in 1892. The two lots corner of Nineteenth and Champa street, valued in 1891 at \$45,000, were sold in 1894 for \$7,500—only 16 2-3 per cent. of its former valuation.

The financial panic of 1893 was in my judgment a bankers' panic, started by the banks to create a public sentiment in favor of the repeal of the Sherman act, to weed out weak financial competition, to increase the purchasing power of money and de-

crease the value of commodities and of incumbered real estate, to the direct profit of capitalists.

Denver had a little tighter "cinch" than other cities, because for years its conscienceless real estate speculators had "watered" values of lands and lots by fictitious sales; in some cases defective titles were obtained by irresponsible parties, to real estate miles from the city, in the domain of the jack rabbit and sagebrush, and this property was platted as additions to Denver, and sold in lots, with warranty deeds signed by agents of the irresponsible owner. Bankrupt banks and investment companies of Denver owe millions of dollars to widows and orphans and laborers, which money it would have been more honorable to take from the depositors by highway robbery, than by the means through which these poor and often ignorant people were induced to deposit their earning in these swindling institutions. It has been a common thing for these robber banks to post up on the windows of the banking houses \$100,000, and in some cases \$1,000,000 "capital fully paid up," when this fully "paid up capital" was represented only by the promissory notes of the bankers. The assets of these broken banks proved to consist largely of mortgages, "second hand," subject to previous incumbrances to the full value of the property. One of these bogus investment companies of Denver, said to represent a capital of \$8,000,000 after the panic, went "where the woodbine twineth," and upon judicial sale all the assets were sold for less than one hundred dol-

lars! The Ninth General Assembly shamefully neglected its duty that it did not provide for a rigid examination of the condition of the various financial institutions of the state, similar to that provided for the national banks. You can perform no more imperative duty to your constituents than to make such a provision as speedily as possible, and also that a searching inquiry be made by a joint committee of both houses as to the cause of the admitted "hard times" in Colorado. If the present governor of the state has occasioned to the people the loss of one-half of their property, that fact should be shown up, and his name forever be infamous.

#### PRESIDENTIAL USURPATION.

The constitution of the United States provides, section 4, article 4: "The United States shall guarantee to every state a republican form of government, and shall protect each of them against invasion; and on application of the legislature (or of the executive when the legislature cannot be convened) against domestic violence."

But during the year, the president of the United States has assumed in violation of the United States constitution to send into the states of Illinois and Colorado, large bodies of United States troops, professedly to put down domestic violence, of which in neither case had the civil authorities of the state or the governor any notice, nor had there been any

call for national assistance by the state legislature or by the state executive.

I recommend to the Tenth General Assembly to memorialize Congress in solemn protest against such acts of usurpation, as dangerous to the liberties of the American people.

#### JUDICIAL USURPATION.

The constitution of the United States also provides, section 2, article 3: "The trial of all crimes, except in cases of impeachment, shall be by a jury.

#### Article 4. Amendments:

"The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and *seizures* shall not be violated, and no warrant shall issue, but on probable cause, supported by oath or affirmation and particularly describing the place to be searched, and *the person* or thing to be *seized*."

#### Article 5. Amendments:

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by *an impartial jury* of the state and district where the crime may have been committed \* \* \*."

#### Article 6, Constitution United States, clause 2:

"This constitution and the laws of the United States which shall be made in pursuance thereof \* \* \* shall be the supreme law of the land; and

the *judges in every state shall be bound thereby*, anything in the constitution or laws of any state to the contrary notwithstanding."

In violation of these several clauses of the United States constitution, the judges of the United States courts, pretending to follow precedents of the British courts of chancery, have enlarged the area of contempts, to take cognizance of matters having no proper connection with the administration of justice, to arrest without warrant, try without a jury, and often convict and sentence without proper evidence.

I recommend to the Tenth General Assembly to memorialize Congress in solemn protest against the usurpations of the United States courts and United States marshals who, with the aid and consent of the United States judges, have converted the United States court houses into recruiting stations to enlist desperadoes as deputy marshals, without any regard to their proper qualifications, but simply for military purposes and with the defiant statement of the United States marshal, that he "did not care who or what these deputy marshals were, whether thieves or hobos, provided they would shoot if ordered."

And in view of the fact that during the past year the sheriffs of Arapahoe county and El Paso county, with the aid and comfort of the county commissioners, have assumed military power in disregard of the United States constitution, the state constitution and the common law, and, although lawfully possessed of

only civil authority, have openly enlisted and armed in the one case 300 deputy sheriffs, and in the other 1,100, and actually put them in the field in military insurrection against the state, I recommend to the Tenth General Assembly to provide some legislation to determine whether there are any rights left to the common people of the state, which sheriffs and courts are bound to respect.

#### SPECIAL SESSION NINTH GENERAL ASSEMBLY.

Amid a storm of invectives such as no previous governor of the state ever encountered, and which insisted that the present state executive should violate his oath of office and surrender his conscience into the hands of a moneyed aristocracy, a special session of the general assembly was called and held one year ago. The People's party was without control in either house, but the inherent justice of its political principles, aided by the aroused public sentiment of the people, compelled legislation for the general welfare, and in the amendments to the attachment law, to the trust deed law, and diminishing the penalties for delinquent taxes, more practical good was accomplished for the people than had been accomplished in all the legislation of the so-called "robber" Seventh, and the Eighth and Ninth General Assemblies combined. Indeed, for the first time in twelve years the constant legislation for the protection of the rights of property, gave way to legislation for humanity and the rights of the citizen. As time dispels the preju-

dices that now exist, an enlightened public opinion will put the stamp of its everlasting approval on the wisdom of the legislation that special session adopted, and on the moral heroism of the men, who for once broke the shackles of party and the chains of a financial oligarchy, the most rotten and infamous that ever existed.

#### CONCLUSION.

Gentlemen and Ladies of the Tenth General Assembly:

The constitutional duty which devolves upon me will soon be performed. In the late elections here and throughout the United States, the Republican party triumphed. Sudden changes in administration are common even in monarchies. In Babylon of old, Belshazzar, at the going down of the sun, was the mightiest monarch on earth, but "in the same night Belshazzar was slain, and Darius the Mede reigned in his stead." In republics, and especially when political policies directly affect the welfare of the people, sudden changes are inevitable. A brief two years ago a Democratic national administration arrogantly assumed power in all the departments of the government—to-day that administration lies crushed and bleeding. Its success contained all the elements of its swift destruction, for the money power which controlled the party, prevented any relief to the people; and so, the Republican party, controlled by the same relentless power, can grant no

relief—no substantial prosperity—and would not if it could. Hence, it, too, must give way to the party of progress and reform.

The People's party of Colorado, though never in control of the general assembly, and with its state officers somewhat divided and discordant, during the most exciting and troublous times that have existed in the history of the state, turns over to the incoming administration the affairs of the state with a "clean bill of health," and we shall hold your dominant party to a like rigid account.

I will not say, "Hail and farewell;" that would be too formal. We go, but we return. We will meet you, gentlemen, in two years, at "Philippi."

DAVIS H. WAITE,  
Governor of Colorado.

January 4, 1895.



INAUGURAL ADDRESS  
OF  
Governor Albert W. McIntire  
TO  
THE TENTH GENERAL ASSEMBLY  
STATE OF COLORADO

Published by Order of the General Assembly



# INAUGURAL ADDRESS.

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January 8, 1894.

Senators and Representatives of the Tenth General  
Assembly of the State of Colorado:

On assuming the duties of the chief executive office of the state, it cannot be out of place for me to call attention to the meaning and intention of the people, as expressed on November 6 last, through the ballot box. To me, as chief magistrate, it conveys with peculiar force the command that the law is to be impartially administered and enforced, regardless of so-called class, condition or party affiliation; and that the supremacy of the law is to be maintained at all hazards. This, too, is the meaning of the oath I have just taken in your presence. It behooves you, the General Assembly of this state, in the performance of your duties, to have in mind the fact that the people demand of you the most careful consideration of the rights of all, the practice of the most rigid economy and the application of careful business methods through legislation to the affairs of the state.

To the General Assembly the people of the state have entrusted the business of legislation, and it is your duty to attend to it in their interests solely. Any different rule means a failure to perform the duty imposed.

In the work of legislation, the purpose and effect, the benefit to result or the evil to be remedied, should be the sole guides in determining upon the advisability of the passage of a bill; that is to say, each bill should be considered upon its merits and without regard to other not properly related measures.

It is a mistaken view, but one evidently frequently taken, that the making of many laws is desirable. The introduction of a vast number of bills, which even to consider slightly, involves a great expenditure of time as well as of money, interferes with the giving of that careful attention which alone can bring about wise legislation. A few well-digested acts, which meet the requirements of the people in the way of legislation, are vastly more creditable and better indicate a duty well performed, than many hastily considered and probably unwisely enacted laws.

#### STATE FINANCES.

The finances of the state are naturally of the first importance.

The auditor's estimates of the revenues for the next two years indicate that they will be about \$100,-

000 less than those of the last two, and the estimated expenses of the next two years will exceed the estimated revenues of those years about \$50,000. The revenues of these years would be still further reduced if the business of the secretary of state's office or the insurance department were to fall off, or the rate of interest for state deposits were to be diminished.

As the limit of indebtedness allowed by the constitution has been reached, an increase of indebtedness is not to be considered, even as a last resort.

In the financial condition in which the people of this state find themselves, in common with those of the whole country, an increase of the burden of taxation by an increased assessment is not to be thought of. This, however, does not mean that legislation which will equalize that burden is not desirable. The only available remedy lies in economy. Let the appropriations be cut down to meet the situation. After carefully estimating the revenues for the next two years, assuming that they, at most, will not be in excess of those of the last two years, and after leaving sufficient to pay interest on the warrants issued during the next two years, let the appropriations be safely within the income.

A large part of the expenses that must be paid out of the general revenue fund is for the various state institutions, such as the penitentiary, reformatory, industrial school and insane asylum. In these

institutions it appears that extravagant and reckless methods of doing business have resulted in expenditures which are unnecessarily large for the results obtained and which should be cut down at all times, and more especially at a time when economy must be practiced in order that the state may meet its expenses.

An examination of itemized bills in the auditor's office discloses the fact that the state, in many instances, is paying at least twenty per cent. more than market prices for supplies for the insane asylum, reform school and penitentiary. Whether this is true universally, I have not had an opportunity of knowing. This fact indicates that the \$50,000 decrease in the annual revenue, as compared with that of last year, can be made up by decreasing the expenditures in the state institutions by the use of business methods in buying.

This is, perhaps, not the place to deal in details, but when running through large bills of goods bought it is found that the same can be duplicated at a cost less, by from twenty to twenty-five per cent., and the state is paying more than retail prices, although a large buyer, it would seem that it was time for a less extravagant system to be adopted and that the state should buy at wholesale and at wholesale prices, and at the same prices that other like buyers pay for their purchases.

In this connection I recommend to your careful consideration the advisability of enacting legislation establishing a board of control for the purchase of supplies, so far as allowed by the constitution, for the state institutions, the various departments and the state capitol after its completion.

Such a board should consist of from three to five members, controlled by law in the performance of its duties, after the manner of the Board of Capitol Managers, which as a business concern, has been eminently successful.

No supplies should be bought by this board for the state except after advertisement for bids, the contract being awarded to the lowest bidder, without exception, the quality of goods being the same. Such a board would, in my opinion, from somewhat careful investigation, save to the state, after paying the salaries of the members of it, more than \$100,000 per year.

This board, in addition to purchasing the necessary supplies indicated, could well be entrusted with the duty of examining into the needs of the various institutions and the possible reforms, and include the same in its report.

In this connection I would further recommend legislation providing that no money shall be drawn out of the state treasury for any purpose, except upon the presentation of verified, approved, itemized bills to the state auditor, who should issue warrants to

the person or persons to whom the bill or debt is actually due. And further, that the law be repealed providing for certificates of indebtedness, except in case of insurrection or defense of the state, or of the United States, in time of war. The issuance of such certificates leaves an opening for uncertainty as to the condition of the state's finances, and may become the means, through the cry of repudiation, of inducing the people afterward to submit to extravagance, which they had expressly prohibited. It is a lax way of doing business and should not be tolerated. It is usually done in cases where the legislature has refused to make an appropriation, and is at least negatively in violation of the legislative will.

#### TRANSITION WARRANTS.

In the transition from the old system of redeeming the oldest outstanding warrants first to the present one of using the money arising from taxation in each year for the redemption of the warrants issued in that year, a large number of warrants were left without any means of payment. Whether the existence of such warrants is due to mismanagement or to a mistaken view of the law, they were taken in good faith as promises of the state to pay just debts. The spirit, principle and purpose of the people of Colorado, if I understand them, are absolutely antagonistic to the repudiation, in any form whatsoever, of honest debts. I recommend that you ascertain the exact amount of such warrants and

interest, and submit to the people at the next general election an amendment to the constitution which will authorize the taking up of those warants by bonds, hedging the transaction about with adequate safe-guards, so that a power given to meet a specific situation shall not be prostituted to extravagant and unintended purposes and uses.

#### INTERNAL IMPROVEMENT FUNDS.

A wise policy in the use of the internal improvement funds should be adopted. Such a policy, consistently carried out through a series of years, would be of undoubted benefit to the interests of the people throughout the state, so far as the improvement funds can affect them.

It is evident that the building of roads and bridges where necessary, and where properly a charge upon these funds, is of the first importance, because both the convenience of the people and their business interests require ready intercommunication between the different parts of the community.

Next in importance, as it seems to me, is the building of reservoirs where they are most necessary and most conducive to the development of the general agricultural interests of the state.

To anyone who has given the subject consideration, it is plain that the water which goes to waste during the season of high water, if retained for use in irrigation, would not only be of vast benefit to the

agricultural interests already in existence, from the resulting certainty of crops from the lands already in use, but would be productive of great general benefit to the whole community, through the consequent increased development of one of the most important industries in the state.

Whenever money is taken from the internal improvement fund and extravagantly or unwisely expended for an object of slight or transitory importance, it is so taken to the detriment of other and more important interests and to the general disadvantage of the community, resulting in some instances in absolute waste. The treating of these funds as a "grab-bag" out of which, if possible, such sums are to be taken as can by any device be obtained, is certainly to be condemned, both on principle and because of the injurious results.

A correct system and careful economy should be used in expenditures for reservoirs. The most important and most necessary and most generally beneficial should come first. Care should be taken that reservoir sites should not be selected without regard to system and common sense. It is an outrage on the community to use the public money, whether out of the internal improvement funds or otherwise, for any purpose, except for the benefit of the community. These funds should be wisely expended and extravagance and misuse of them, it is needless to say, should not be tolerated; and I am much mistaken in

your purpose and intentions if you will allow unwise expenditures of any character to be made through legislation in this session.

#### LOCAL MEASURES.

The usual and natural practice under the law as it now stands, in the various state institutions, is for the local treasurer of each institution to draw from the state treasury, in bulk, the moneys for such institution, thus depriving the state of the interest which would be obtained if the money were allowed to remain in the hands of the state treasurer until it is actually used in payment of expenses incurred. I recommend legislation which will prevent this waste to the state. The obvious way seems to me to be to make the state treasurer the treasurer ex-officio of the various state institutions, so far as the same can be done under the constitution.

#### SPECIAL LEVY.

The system of special taxation for the support and maintenance of the various state institutions is, in my judgment, unwise, resulting in disproportionate distribution of the state's funds to these various state institutions. The proper plan, as it seems to me, is to leave to the legislative wisdom, each session, the apportioning of the total funds in hand for these institutions, according as the needs of each institution, and all combined, indicate.

I recommend that section 16, article 4, of the constitution be by statute, made effective and applicable to all officers of the executive department and all public institutions of the state.

This section reads as follows:

"An account shall be kept by the officers of the executive department and of all public institutions of the state, of all moneys received by them severally from all sources and for every service performed and of all moneys disbursed by them severally, and a semi-annual report thereof shall be made to the governor under oath."

#### INSANE ASYLUM.

Your attention is called to the need of legislation in connection with the insane asylum. There is no class dependent upon the state which so completely and justly appeals to our sympathy, and which calls for such careful application of earnest thought to the right methods for the amelioration of their condition, as the insane. The progress which has been made in the study of nervous diseases has brought with it a better knowledge of the causes and treatment of insanity and the appreciation of the fact that the insane are patients, suffering from a disease which should be treated with the idea of recovery, where possible, and not that the insane are persons who should be incarcerated or detained, merely for the

sake of the rest of the community. Growing out of these views, a system, in part at least, different from that now in use in our asylum, is deemed desirable. Without going into details, the system should be changed so as to assimilate it as far as possible to the hospital idea, making the superintendent reside in the asylum, devoting his whole time and attention to the business management of the asylum and the care of the patients, establishing a corps of resident and visiting physicians, who should serve without pay, as in hospitals; increasing by two the number of commissioners, the additional commissioners to serve without pay, other than actual expenses and that the successors of those now in office serve likewise, without pay, other than actual expenses.

The need for additional accommodations for patients in the insane asylum is very great, and some speedy means should be adopted to take care of the insane who are confined in various places in the state in jails, often without sufficient care and certainly without proper attention and nursing, to the great suffering of such patients, amounting almost to a disgrace to the state.

#### PENITENTIARY.

The inequality of sentences imposed by the different judges for the same offenses, committed under like conditions, and the different degrees of criminal tendencies in different convicts, and the experience in various other states of the benefits to be de-

rived from the indeterminate sentence, justify the recommendation that the criminal law be so modified or changed as to adopt the mode of sentencing understood by the phrase "the indeterminate sentence." Proper exception, however, should be made for capital and life sentences.

#### INDUSTRIAL SCHOOL FOR GIRLS.

An industrial school for girls is needed. The institution exists on paper, but for lack of an appropriation it is of no use whatever. The need of such an institution for wayward girls is at least as great as that for boys. Undoubtedly, in the present condition of the state's finances, which requires economy, it may be difficult, if not impossible, to make the needed appropriation; but this fact does not relieve the state of the duty of providing the means of detaining and reforming the class referred to. I can see no way to attain the desired end, except by submitting the question to the people, whether or not they will allow bonds to be sold to obtain the money to establish the reform school for girls; and at the same time there might be submitted an amendment for the purpose of meeting the expense of a state school or home for dependent children.

#### HOME FOR DEPENDENT CHILDREN.

The dependent, the homeless or worse than homeless children of the state, of so tender an age that they are completely helpless, have just and meritorious

claims upon the commonwealth. They should not only be cared for because they are helpless, but because if they are not cared for they will, later along in life, in all human probability, cause vastly more direct expense to the state than it would cost the state to provide for them by a wise, humane and economical system, that will prevent their becoming criminals. The Michigan law, providing for a state school or home for dependent children, and the ultimate adoption of such into family homes as soon as such homes can be provided for them, seems to accomplish exactly the desired end. I recommend legislation in this direction, based upon the actual situation in this state, as to the number of dependent children, and consistent with the financial condition of the state.

#### STATE CAPITOL BUILDING.

The capitol building, which you are the first General Assembly to occupy, is justly an object of pride and satisfaction to the people of the state. Its rapid completion is very desirable, and of the greatest importance. Any measures which can properly be taken looking to such completion are recommended. Such appropriation as you deem wise should be made as early in the session as possible.

#### STATE BOARD OF PARDONS.

At the request of the State Board of Charities and Corrections, I recommend that such board be relieved of the duties of a board of pardons. The members of

the board assure me that the duties that devolve upon them as members of the Board of Charities and Corrections prevent them from giving sufficient time and attention to the duties of the Board of Pardons.

In reference to a Board of Pardons, I will say that it will be time to make a recommendation when it is ascertained what is to be done with the recommendation concerning the indeterminate sentence.

#### IMMIGRATION COMMISSIONER.

There exists an act concerning an immigration commissioner, which is valueless because of lack of appropriation to meet expenses. In this connection I would suggest that if you deem such a commissioner or bureau to be desirable, and in the interest of the development of the state, and of the agricultural interests in particular, you make such appropriation as will carry into effect the legislative intention in framing the act. If the expense to the state is, in your opinion, too great, with the salary as made in the act, then let the salary be fixed at a proper figure, and the bureau made effective; otherwise, I recommend the act be repealed. If immigration is desirable, then authentic information of our agricultural resources, and of the particular resources of the different sections of the state, should be given out and circulated, so far as possible, among those who might desire to make homes with us. The advantage to the state of having the truth made known, in an authorized way,

cannot be magnified. Exaggerated or false statements made by designing persons, interested only in their own schemes, would by these means be prevented from discrediting the reputation of our community, and injuring proper enterprises.

#### RELIEF-HOUSE OF THE GOOD SHEPHERD.

In 1887, on account of the lack of an appropriation to establish the industrial school for girls, a contract was entered into with the House of the Good Shepherd, in Denver, to care for incorrigible girls. The various counties sending girls were, by the terms of the act establishing the school, to pay for their support. A large number of girls, averaging about seventy-five constantly, have been cared for. The number now in the House of the Good Shepherd is fifty-seven. Several of the counties have refused to pay for the support of the girls they have sent up. The result is, that a considerable amount is due the House of the Good Shepherd, which should be paid, amounting to about \$9,000.

The cost of the care of these girls is properly a charge on the public, and should be arranged for in a definite and satisfactory way.

Whether the House of the Good Shepherd shall continue to take such girls, or some other arrangement shall be made until the state has its own industrial school for girls, is a matter for your consideration and determination.

## RELIEF—BENEDICTINE ACADEMY.

I desire to call your attention to a matter which, on account of the injustice involved, should receive consideration. A bill was passed at the last regular session of the legislature, appropriating \$5,000 to pay for the destruction of the walls of the Benedictine Academy at Canon City, caused while excavating the tunnel of the state ditch. There was no money in the fund out of which this sum was appropriated. I am informed that the Benedictine Sisters are occupying a frail, temporary structure, because of their inability to restore the walls of their former building. If the facts are as stated, speedy justice should be done, after ascertaining the actual damage.

## PUBLIC ROADS AND HIGHWAYS.

Your attention is called to the importance to the community of good highways, and the necessity for legislation which will place our public highways in the best possible condition by the use of the money which the taxpayers constantly contribute for that purpose. In many parts of the state, for want of organization and system, the roads are practically left to chance for their condition, although the full amount of tax is collected and expended, which if wisely and systematically used would bring about the desired result.

The present law, placing the superintendence and repair of roads in the hands of a county road overseer,

does not seem to be productive of as good results as the old system of district road overseers, although the old system was by no means satisfactory.

#### FORESTRY.

The preservation of the native forests of the state is a matter about which something adequate should be done. The constant destruction of them, chiefly by fires, resulting from carelessness or design, should be stopped, if the hills and mountains are not to be denuded, to the great present and future injury of the timber and irrigation interests.

#### COUNTY SUPERINTENDENTS.

In first and second class counties there is a limit to the expenses of the county superintendent of schools, and the amount which he can draw from the public treasury. In third, fourth and fifth class counties there is no such limit, with the result, in many of these counties, that the expense of that office is unjustly large, and out of proportion to the service rendered. A limit should be placed to such expenditures in the last-named classes of counties.

#### COMPANY SCRIP.

Injustice and injury result to employes, especially of coal-mining companies, from the practice prevailing in some places of issuing scrip in payment for work, in place of paying lawful money, and from the delay of payment beyond a reasonable time. The employe should have his pay promptly, and in cash, so

that he can buy to the best advantage, and be relieved from the evils resulting to him from a credit system of buying; and from the necessity of paying higher prices for goods than he would be compelled to pay if he had money to buy where he pleased. Proper legislation which will effect this desirable result is earnestly recommended.

#### JURIES.

The law at present requires, as you know, a unanimous verdict of the jury, in civil as well as in criminal cases. This, particularly in civil cases, frequently brings about mistrials, resulting in unnecessarily great expense in the running of the courts, and to litigants. There seems to me to be no good reason why the agreement of two-thirds or three-fourths of a jury upon a verdict should not be sufficient in civil cases.

#### CORPORATIONS.

I recommend the enacting of a law which will eliminate, as far as possible, the evil of "bubble" corporations. The facility with which corporations can be brought into existence in this state brings about an abuse which results in harm and injury to the unwary, and detriment to the interests of the general community. The law should require that the transaction be bona fide; and where the stock of corporations is paid for in money, that the money should, in good faith, be paid into the treasury of the corpora-

tion; and where stock is issued for property an appraisement of its value should be made by some public official.

#### BANK EXAMINATION.

Without meaning, in any way, to throw discredit on state and private banking institutions, of whatever kind, I urge upon your attention the necessity for legislation which will render such banks safe, and protect depositors from loss, so far as possible. The same supervision which is exercised under the national law over national banks, such as examination by a bank examiner, publication of condition at repeated intervals, should be provided for state and private banks.

Savings banks should not be allowed to invest their money, or that of their depositors, in any inferior class of security—none but such as are recognized as first-class investments should be permitted. I recommend such legislation as will bring about these results.

#### MORTGAGES.

The injury to many unfortunate but deserving persons in the community, growing out of the sales of real property held as security through trust deeds, and more particularly through the sale of such property by unfair methods, so that the property does not bring a fair valuation, leaving unjustly a debt in the form of a note or deficiency judgment against the

debtor, requires an adequate remedy. Such remedy, in my opinion, is to be found in legislation, requiring that all real property which is held as security shall be sold only after foreclosure proceedings, the property being first appraised, the sale to be approved by the court having jurisdiction of the matter, with an equity of redemption for the debtor for a period of one year. This system, old and well tried, preserves all just rights of the debtor and prevents unfair advantage being taken of him, and at the same time does not interfere with the rights of anyone, or disturb business, destroy confidence or work hardship on debtors by making it unreasonably difficult to borrow or renew; and no objection can possibly be made by those who usually lend money, because in the very places from which is secured chiefly the money we borrow, exactly this system obtains.

#### ATTACHMENT LAW.

I earnestly recommend that the thirteenth ground for attachment in the attachment act, chapter 3, section 1, and the tenth ground of attachment in chapter 1, section 1, both of the Session Laws of 1894, be repealed. To put a special class of debtors into the hands of their creditors so completely, without just cause, as is done by our statutes in the sections named concerning attachment, is not only a wrong to such debtors, but is injurious to the business interests of the community. No good reason exists, in my

opinion, for giving such preference to overdue promissory notes or overdue book accounts. To avoid any possibility of oversight, I will call your attention to the fact that the same reasons for the amendment of the attachment law for courts of record exist for such amendment to the act concerning the same matter, which applies to justice courts.

#### STATE CANALS.

It is somewhat difficult to decide just what should be done about the state irrigation enterprises, called the State Canals No. 1 and No. 2. Some sensible business-like course should be adopted concerning these canals consistent with sound judgment and the condition of the state's finances, and the constitutional restrictions in such matters.

As a general proposition, it is true that the state's lands would be much more valuable if water were applied to them. It is also true unless these lands are put under a system of irrigation, before the water of the streams is appropriated by and for other lands, that the state lands will become practically valueless, because land without water in this state is usually of very little value. The state should appropriate the water to its lands or have the water applied to the lands by others, or it should dispose of the land to others who will make the necessary appropriations, or else the lands will, in the end, as above stated, be without value except as pasture lands, in almost all instances. It would seem im-

possible for the state, within any reasonable period, to construct these great canals, even if there is water sufficient to fill the ditches and irrigate the lands, and it is seriously asserted that there is not, by any means, sufficient unappropriated water. There is also the objection that it is no part of the state's functions to go into business in the ordinary sense; and, if it were a part of its functions to go into business, it is usually true that a state's business enterprises are extravagantly and badly conducted and chiefly with the idea, not of bringing profit to the state, but of securing fat contracts and salaries to those who become concerned in the matter.

To involve the state's finances through an enterprise, which in itself may be desirable enough, but which the state has not the financial ability to conduct, is wrong.

Where great canals are necessary to bring a tract of state land under cultivation, the only practical course seems to be to sell either all or a part of the lands at the best obtainable price and in the event that it is deemed best to sell but a part—say a half—of the lands, then that part of the consideration from the purchaser to the state, be the irrigation and cultivation of the remaining lands, although remaining the property of the state. The only ground that I can see of criticism, is that the lands, as a rule, are not sold at their full value, and yet in the end it is better for the state to adopt the

course of selling, securing not only the price paid for the land but the taxes which follow upon the settling up of the country and the advantage to the general community from the growth of population and the increase of business; and even where the price has not been adequate—and I am speaking now only of the farming regions—the result has been better to the state than it would have been if the lands had remained the property of the state but without water or the possibility of water.

In the matter of renting state lands, I would recommend that a system allowing a lessee who is an actual settler, at the close of his term to have the preference in renting. This is to the state's own advantage and only just to the lessee, who is encouraged thereby to improve and cultivate his farm.

#### MUNICIPAL GOVERNMENT.

The problem of municipal government in this country is one which presents for solution many difficulties. Local self-government is a phrase which unquestionably represents a correct theory and principle, but it is one which may be made use of to bring about a result which is neither true local self-government nor good government.

The making of charters for the city of Denver has taken much of the time and attention of legislatures perennially.

A charter, or body of laws, for the municipal government of Denver, made by the legislature, is a departure from the principle of local self-government. As you know, the General Assembly has many other duties to perform, besides making a charter for Denver, and a limited time for the performance of them. Comparatively few members enter the General Assembly with definite views on municipal problems, simply because they have been and are concerned about other matters. The time they can devote to this subject is too limited to master it, and besides they cannot be said, in any sense, to know or represent the purpose and views of the citizens of Denver, who alone should make the body of laws which govern their municipality as such. Until its citizens only make their own charter or constitution (through delegates selected for that purpose), it cannot properly be said that Denver has local self-government. Moreover, there will be no end of charter tinkering until one is made with sufficient deliberation by a body so constituted that it represents the community and all of the community interested. When a charter is obtained in this way, then the will of the people expressed in it should control, because it has been ascertained what that will is and whether it results in good government or bad government, it will be true local self-government. The present charter, one of the checks in the deposition of power, is to be considered on its merits, like any that may be suggested, because the will of the people

of the municipality cannot be ascertained until it has been legally expressed. The great consumption of the legislative time in charter making, to the great disadvantage of other legislation, was one of the causes of enacting a general municipal law. The wisdom of a general law permitting cities of the first grade to hold representative or constitutional conventions, for deliberating upon and framing their charters, the same to be submitted to the people for confirmation or rejection, is suggested for your very serious consideration. If local self-government is desirable, then the genuine article is the best. In any government, results are largely dependent on the character of the men entrusted with power and no charter, however devised and however good, will ever relieve the citizen of the duty and necessity of actively taking part in the selection of his public servants.

#### ELECTIONS.

Your attention is called to the Meyers voting machine as a means of preventing fraud in elections and providing a speedy, accurate count and an ultimate lessening of the expense of elections.

#### GAMBLING.

No one questions the assertion that the gambling house is an evil. While it is believed by many to be an evil which cannot be entirely eradicated, this fact should not deter you from enacting such legislation as will insure the strict enforcement of the laws of

the state against gambling. The view is taken by many that the suppression of open gambling houses merely relegates to dark places this nefarious practice; that the result is the same, or that the evil is increased rather than diminished. The usual gambling device is practically a swindle; it appeals to two classes, the unwary and those confirmed in the vice. By suppressing the open or public gambling house, the unwary, usually young men and boys, are at least in a great measure protected; and while those who are determined to practice the vice would probably not be deterred, the public evil would be suppressed. While by reason of the difference in the system of the administration of the law, the public gambling houses in the city of Denver can be suppressed, it seems that in the smaller towns, the law concerning gambling houses is much more difficult of enforcement, because of the greater proportionate influence of the interests affected. Your attention is called to the matter with the hope that some means may be found in the way of legislation, whereby the evil mentioned can be diminished, if not suppressed, in these smaller places where it exists with at least as great virulence as in the large centers.

#### RAILROADS.

It is customary to recommend the enacting of railroad legislation. Colorado is, in many respects, peculiarly situated. We have a vast area, a mountainous country largely, and railroad building is in

its infancy. The cost of constructing railroads in many parts of this state is generally in excess of that of constructing railroads in most of the other states. Many of the sections of this state are wholly without railroads and will remain as inaccessible and undeveloped as they now are, unless additional roads are built.

All of these matters should be carefully considered by you in deliberating upon this subject.

In addition to these general facts, which exist at all times, there are special circumstances at present that should also receive your consideration. With one principal exception, all of the railroads of this state are now in the hands of the courts, and are being managed by receivers. Their business has been greatly diminished, and I believe it is true that there is not a single railroad paying dividends to its stock-holders at this time. Under such circumstances, it seems to me to be wise to apply common sense and business views to this subject.

The abuse most likely to occur is unjust discrimination between places or shippers. The complaints of unjust discrimination in this state that are at this time truthfully made, as I am informed, are made against railroads transacting interstate business, which roads are subject only to national legislation.

The decrease in business resulting from the depressed financial condition of the whole country, in-

cluding Colorado, has reduced the earnings of the railroads to such an extent that in some instances it has become a question whether trains could be run at all. If it be the fact, which can be ascertained by investigation, that unjust discrimination is willfully practiced by railway corporations subject to the legislative control of this state, then legislation should be enacted to prevent it; and such legislation should be wise, just and effective.

#### EQUAL SUFFRAGE.

Many earnest and just men in the last legislature, and throughout the state, feared that equal suffrage was a mistake, because they believed that women would not take their full share of the political burden. The keen interest of women in matters concerning their new duties is sufficient to answer the doubt. Their intense interest in the moral well-being of the community justifies the faith which has now been proved by their works, that their advent into political life will positively and permanently benefit all the people.

Without a careful examination of the reports of the departments, which time does not allow, it is impossible to make recommendations based upon those reports. My honored predecessor, in his message, has made such recommendations as he deems wise, many of which seem to me to demand earnest consideration. These have come to me only after the delivery of that message to your honorable body, and then through in-

complete newspaper reports, so that it is impossible for me to designate, in any way, the recommendations to which I have reference. I have, therefore, as far as possible, touched upon matters upon which he has been silent, with the intention of avoiding mere repetition in the two messages. To a certain extent, the message of the incoming may be regarded as supplemental of that of the outgoing executive.

In closing, I cannot refrain from giving some expression, however inadequate, to my admiration for the resolute courage of our citizens amid the trying times following upon the closing of the Indian mints and the bank panic of 1893. At that time one of our greatest interests, if not the greatest, was stricken nigh unto death. The rest of the nation looked on pityingly, expecting us to starve or emigrate. It was not until then that we ourselves fully appreciated the great extent and wonderful richness of our natural resources. With the versatility of an intelligent and progressive people, and the indomitable courage of the conquerors of every foe, our people turned to the development of other resources. As if by enchantment, gold discoveries were made on every side. We went to work at the things that were left to us; and while it cannot be truthfully said that the old-time prosperity has as yet been restored, it is true that hope has come back, and faith sees good times near at hand. The development of Colorado's wonderful resources means prosperity to the people.

They will all be developed, and speedily, and our silver industry will again take the lead. The complete restoration of silver is essential to the well-being of the commercial world. With silver demonetized, the business world is deprived of one-half of the money of ultimate redemption.

Twenty years ago no one took the position that there was too much sound money—that is, gold and silver—in existence at that time. It is unquestioned that an increased population requires a corresponding increase of money of ultimate redemption, and that an increased development of trade also necessitates such increase of money, or prices will inevitably fall. During the past twenty years there has been an increase in population, particularly in this country, and a consequent increased necessity for exchanges. At such a time, to deprive the world of half its money, no matter which metal, is to enhance the value of the metal retained compared with all commodities, including the other metal, and to compel debtors to pay more than they received when the debt was contracted. The enhanced value of gold is due to legislation in its favor. The lowering prices of the last twenty years are simply the measure of the increasing value of gold. When the quantity of the medium of exchange is diminished by half, or a very large fraction, it is obvious that business must suffer.

We do not expect legislation favorable to silver because it is the money of the constitution,

nor because we as producers are interested in enhancing its value; but because its restoration is absolutely decreed by a natural law of commerce that cannot be disobeyed without the punishment following. The punishment is being inflicted now, and will become more and more grievous until endurance must cease, and blindness and prejudice, design and selfishness must all yield to the crushing force of natural laws. This country must submit first, because its growth in population and the consequent greater need of commercial expansion will make the friction of clogged exchanges more and more intense. The more acute the trouble, the more active the effort to find out the cause. The trouble is, that exchanges cannot be freely made because the final medium is insufficient in quantity. When this is known and appreciated by the majority of the people of the United States, the only remedy there is or can be, will be applied, and silver will be restored at a ratio with gold of 16 to 1, or perhaps 15 1-2 to 1; that is, the ratio which their relative quantities in store indicate to be the correct one. With silver restored, and her other resources developed, Colorado's people will have an enviable lot, indeed.

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