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SENATE JOURNAL

OF THE

EXTRA SESSION

OF THE

NINTH GENERAL ASSEMBLY

OF THE

STATE OF COLORADO,

CONVENED AT DENVER,

ON THE

TENTH DAY OF JANUARY, A. D. 1894.

PUBLISHED BY AUTHORITY.

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THE SMITH-BROOKS PRINTING COMPANY,
DENVER, COLORADO.

STATE OFFICERS

AND

Members of the Ninth General Assembly.

EXECUTIVE DEPARTMENT.

NAME.	POSITION.	POSTOFFICE
Davis H. Waite.....	Governor.....	Denver
M. Lorentz.....	Private Secretary.....	Denver
David H. Nichols.....	Lieutenant Governor.....	Boulder
Nelson O. McClees.....	Secretary of State.....	Denver
Lyman B. Henderson.....	Deputy Secretary of State.....	Denver
Albert Nance.....	State Treasurer.....	Denver
Frederick A. Johnson.....	Deputy State Treasurer.....	Denver
F. M. Goodykoontz.....	Auditor of State.....	Denver
C. H. Powers.....	Deputy Auditor of State.....	Denver
Eugene Engley.....	Attorney-General.....	Denver
John F. Murray.....	Supt. of Public Instruction.....	Denver
Henry C. Childs.....	Register Land Board.....	Denver

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Luther M. Goddard.....	Associate Justice.....	Denver
Victor A. Elliott.....	Associate Justice.....	Denver
James A. Miller.....	Clerk.....	Denver
Edward M. Cook.....	Deputy Clerk.....	Denver
F. A. Richardson.....	Bailiff.....	Denver

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Gilbert B. Reed.....	Judge.....	Denver
Charles I. Thomson.....	Judge.....	Denver
James Perchard.....	Clerk.....	Denver
John A. Murray.....	Bailiff.....	Denver

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NAME.		POSTOFFICE
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John A. Bentley,		
A. J. Rising,		
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D. V. Burns,		
Julius C. Gunther.....	Third District.....	Trinidad
John Campbell.....	Fourth District.....	Colorado Springs
Thomas A. Dickson.....	Fifth District.....	Leadville
Geo. T. Sumner.....	Sixth District.....	Durango
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S. S. Downer.....	Eighth District.....	Boulder
Thos. A. Rucker.....	Ninth District.....	Aspen
Joseph C. Elwell, }	}	Tenth District.....
J. H. Voorhees,		
Morton S. Bailey.....	Eleventh District.....	Canon City
C. C. Holbrook.....	Twelfth District.....	Alamosa
James Glynn.....	Thirteenth District.....	Sterling

DISTRICT ATTORNEYS.

NAME.		POSTOFFICE
J. A. Van Auken.....	First District.....	Golden
Robert W. Steele.....	Second District.....	Denver
Orlando Hitt.....	Third District.....	Trinidad
John Cochran.....	Fourth District.....	Colorado Springs
William Guyselman.....	Fifth District.....	Leadville
N. C. Miller.....	Sixth District.....	Durango

DISTRICT ATTORNEYS—CONTINUED.

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J. E. Garrigues.....	Eighth District.....	Greeley
Geo. D. Johnstone.....	Ninth District.....	Aspen
Lucius B. Gibson.....	Tenth District.....	Aspen
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Chas. A. Merriman.....	Twelfth District.....	Alamosa
Granville Pendleton.....	Thirteenth District.....	Yuma

OFFICERS APPOINTED.

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R. A. Southworth.....	Deputy State Engineer.....	Denver
J. W. Brentlinger.....	Deputy Labor Commissioner.....	Denver
Thomas J. Tarsney.....	Adjutant General.....	Denver
W. W. Ferguson.....	Inspector General.....	Denver
L. G. Brewer.....	Military Secretary.....	Denver
Wm. R. Callicotte.....	Fish Commissioner.....	Denver
D. J. Reed.....	Coal Mine Inspector.....	Denver
Geo. E. Kedzie.....	State Geologist.....	Ouray
J. F. Murray.....	State Librarian (<i>ex officio</i>).....	Denver
S. I. Goodspeed.....	Ass't State Librarian.....	Denver
Judson T. Flower.....	State Dairy Commissioner....	Los Ceritos
Henry L. Acker.....	Inspector of Mines.....	Salida

OFFICERS OF THE STATE INSTITUTIONS.

THE STATE UNIVERSITY AT BOULDER.

REGENTS.		
NAME.	POSTOFFICE.	COUNTY.
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W. E. Anderson.....	Rocky Ford.....	Otero
O. J. Pfeiffer.....	Denver.....	Arapahoe
W. H. Cochran.....	Del Norte.....	Rio Grande
Chas. R. Dudley.....	Denver.....	Arapahoe
Sydney A. Giffin.....	Boulder.....	Boulder

THE STATE BOARD OF AGRICULTURE.

NAME.	POSTOFFICE.	COUNTY.
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Alston Ellis,		
F. J. Annis.....	Fort Collins.....	Larimer
A. L. Emigh, President.....	Fort Collins.....	Larimer
James E. Du Bois.....	Fort Collins.....	Larimer
John J. Ryan.....	Loveland	Larimer
Chas. H. Small.....	Pueblo.....	Pueblo
J. S. McClelland.....	Fort Collins.....	Larimer
J. L. Chatfield.....	Gypsum.....	Eagle
A. L. Kellogg.....	Rocky Ford.....	Otero

OFFICERS.

Alston Ellis.....	President of College
A. L. Emigh.....	President of Board
Daniel W. Working	Secretary
Charles H. Sheldon.....	Treasurer

BUREAU OF LABOR STATISTICS.

Nelson O. McClees, Secretary of State.....	Commissioner <i>ex officio</i>
J. W. Brentlinger.....	Deputy Commissioner

THE STATE SCHOOL OF MINES, AT GOLDEN.

TRUSTEES.

NAME.	POSTOFFICE.	COUNTY.
Henry Paul.....	Denver	Arapahoe
James T. Smith, Secretary..	Denver ,	Arapahoe
A. A. Blow.....	Leadville	Lake
Fred. Steinhauer, President,	Denver	Arapahoe
Dr. John P. Kelly.....	Golden.....	Jefferson

OFFICERS.

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THE MUTE AND BLIND INSTITUTE, COLORADO SPRINGS.

TRUSTEES.

NAME.	POSTOFFICE.	COUNTY.
W. K. Sinton, Sec'y.....	Colorado Springs.....	El Paso
Ella L. C. Dwinell.....	Colorado Springs.....	El Paso
Joseph A. Davis.....	Silver Cliff.....	Custer
Daniel Hawks, President....	Greeley.....	Weld
Henry Bowman.....	Idaho Springs.....	Clear Creek

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COMMISSIONERS.

NAME.	POSTOFFICE.	COUNTY.
Chas. H. Boettcher, Pres't....	Denver.....	Arapahoe
Fred. A. Reynolds, Sec'y....	Canon City.....	Fremont
I. D. Chamberlain.....	Pueblo.....	Pueblo

WARDEN.

Frank A. McLister.....	Leadville.....	Lake
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CHAPLAIN.

Rev. L. J. Hall.....	Canon City.....	Fremont
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THE INSANE ASYLUM, AT PUEBLO.

COMMISSIONERS.

NAME.	POSTOFFICE.	COUNTY.
Jose B. Romero.....	Conejos.....	Conejos
Dr. L. E. Lemen, Pres't....	Denver.....	Arapahoe
L. W. Walker, Sec'y.....	Pueblo.....	Pueblo
Dr. P. R. Thombs.....	Pueblo.....	Pueblo

THE STATE INDUSTRIAL SCHOOL, AT GOLDEN.

BOARD OF CONTROL.

NAME.	POSTOFFICE.	COUNTY.
B. F. Williams, Pres't.....	Denver.....	Arapahoe
Joseph Mann, Sec'y.....	Golden.....	Jefferson
Emma Ghent Curtis.....	Canon City.....	Fremont

STATE BOARD OF MEDICAL EXAMINERS.

NAME.	POSTOFFICE.	COUNTY.
Dr. T. D. Baird.....	Walsenburg.....	Huerfano
Dr. Luke McLean	Delta.....	Delta
Dr. J. Wylie Anderson.....	Denver	Arapahoe
Dr. C. N. Hart.....	Denver	Arapahoe
Dr. B. J. Perry.....	Aspen	Pitkin
Dr. R. N. Mayfield.....	Ouray	Ouray
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Dr. J. N. Hall.....	Sterling	Logan
Dr. John H. Tilden.....	Denver	Arapahoe

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Dr. S. P. Green.....	Aspen	Pitkin
Dr. E. J. Rogers.....	Denver	Arapahoe
Dr. B. F. Wooding.....	Trinidad.....	Las Animas
Dr. H. R. Bull	Grand Junction.....	Mesa
Dr. W. P. Munn, Treas....	Denver	Arapahoe
Dr. H. Sewall, Sec'y.....	Denver	Arapahoe
Dr. H. C. Crouch.....	Colorado Springs.....	El Paso

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C. H. Wells.....	Pueblo.....	Pueblo

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David Brothers.....	Wheat Ridge	
C. W. Steele.....	Grand Junction.....	Mesa
W. B. Osborn.....	Loveland	Larimer
Benjamin Reed.....	Rocky Ford	Otero

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NAME.	POSTOFFICE.	COUNTY.
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Geo. M. McConoughy..... Deputy	Denver	Arapahoe
T. Monell..... Chief Clerk.	Denver	Arapahoe

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Ötto Mears.....	Denver	Arapahoe
B. F. Crowell.....	Colorado Springs.....	El Paso
Chas. J. Hughes, Jr.....	Denver	Arapahoe
John L. Routt.....	Denver	Arapahoe
Herman Lueders..... Secretary.	Denver	Arapahoe

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J. N. Beaty.....	Catlin	Otero
Geo. M. Black	Denver	Arapahoe

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NAME.	POSTOFFICE.	COUNTY.
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Louis Paquin.....	Mancos.....	Montezuma
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W. F. Read.....	Kit Carson.....	Cheyenne
J. S. Brown.....	Denver	Arapahoe
I. W. Chatfield.....	Aspen	Pitkin
J. C. Johnston.....	Trinidad.....	Las Animas
William Boot.....	Montrose	Montrose
Asa Sterling.....	Greeley.....	Weld

THE SOLDIERS' AND SAILORS' HOME, AT MONTE VISTA.

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John D. Lewis.....	Monte Vista.....	Rio Grande
John A. Coulter, Pres't.....	Georgetown.....	Clear Creek
Geo. W. Cook.....	Denver	Arapahoe
Col. P. Stanley, Vice-Pres't,	Silverton	San Juan
Orlando Bonner, Treas.....	Monte Vista.....	Rio Grande

THE STATE NORMAL SCHOOL, AT GREELEY.

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NAME.	POSTOFFICE.	COUNTY.
F. A. Meredith.....	Denver	Arapahoe
H. H. Grafton.....	Manitou.....	El Paso
J. W. McCreery.....	Greeley.....	Weld
A. B. Copeland.....	Greeley.....	Weld
J. F. Murray, Supt, of Public Instruction, <i>ex officio</i> member.		
Isaac Gotthelf.....	Greeley.....	Weld
Jesse Hawes.....	Greeley	Weld

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Dr. C. N. Guyer.....	Denver	Arapahoe
Dr. G. A. Dille.....	Denver	Arapahoe
Dr. F. G. Schlosser.....	Denver	Arapahoe
Dr. R. B. Weiser.....	Georgetown.....	Clear Creek

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AND CORRECTIONS.

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J. Warner Mills, Vice-President.....	Denver
Davis H. Waite, Gov., <i>ex-officio</i>	Denver
J. S. Appel.....	Denver
Dennis Mullins.....	Denver
Dr. B. A. Wheeler.....	Denver
Mrs. Minnie C. T. Love, M. D.....	Denver
John H. Gabriel, Secretary.....	Denver

OFFICERS.

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THE COLORADO FOUNDLINGS' AND ORPHANS' HOME, AT DENVER.

TRUSTEES.

NAME.	POSTOFFICE.	COUNTY.
Herman Strauss.....	Denver	Arapahoe
Robert H. Latta.....	Denver	Arapahoe
Thos. H. Hawkins.....	Denver	Arapahoe
Mrs. L. A. Melburn.....	Denver	Arapahoe
Mrs. J. R. Howard.....	Denver	Arapahoe

STATE HOME AND INDUSTRIAL SCHOOL FOR GIRLS, AT DENVER.

BOARD OF CONTROL.

NAME.	POSTOFFICE.	COUNTY.
Myron W. Reed.....	Denver	Arapahoe
Mrs. Ione T. Hanna.....	Denver	Arapahoe
Mrs. Sarah O'Bryan.....	Denver	Arapahoe

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Nelson O. McClees.....	Denver
Eugene Engley.....	Denver

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Fred. Steinhauer.....	Denver
N. B. Coy.....	Denver
B. S. La Grange.....	Greeley
A. B. McKinley.....	Denver
O. C. French.....	New Windsor
F. J. V. Skiff.....	Denver
R. E. Goodell.....	Leadville
Henry B. Gillespie.....	Aspen

OFFICERS.

LADY MANAGERS.

Mrs. E. M. Ashley	Denver
Mrs. M. D. Thatcher.....	Pueblo
Mrs. R. J. Coleman	Buena Vista
Miss M. A. Sampson.....	Pueblo

OFFICERS AND EXECUTIVE COMMITTEE.

Davis H. Waite, President	Denver
A. B. McKinley, Vice-President	Denver
J. A. Thatcher, Treasurer.....	Denver
O. C. French, Secretary.....	Denver

STATE BOARD OF LAND COMMISSIONERS.

Davis H. Waite, Governor	President
Nelson O. McClees	Secretary of State
Eugene Engley.....	Attorney General
John F. Murray	Supt. Public Instruction
Henry C. Childs.....	Register

STATE BOARD OF EQUALIZATION.

Davis H. Waite, Governor	President
Nelson O. McClees	Secretary of State
Albert Nance	State Treasurer
Eugene Engley.....	Attorney General
F. M. Godyokoontz	Auditor of State

MEMBERS OF THE HOUSE, 1893-4.

E. M. AMMONS, SPEAKER, SYMES, DOUGLAS COUNTY.

NAME.	P. O. ADDRESS.	REPRESENTING COUNTIES.	POLITICS.
Anderson, Armour C.	Denver	Arapahoe	Republican
Babcock, John S.	University Park	Arapahoe	Republican
Baldwin, A. S.	Sugar Loaf	Boulder	Populist
Baldwin, Moses M.	Woodland Park	El Paso	Republican
Bent, Charles H.	Lake City	{ Hinsdale { San Juan	Populist
Benton, Elliott H.	Greeley	Weld	Populist
Bonyng, Robert W.	Denver	Arapahoe	Republican
Booth, W. J.	Leadville	Lake	Populist
Bromley, Emmet A.	Brighton	Arapahoe	Populist
Brown, J. Gratz	Denver	Arapahoe	Republican
Calkins, Carleton C.	Longmont	Weld	Populist
Cannon, Wilbur F.	Denver	Arapahoe	Republican
Carnahan, James F.	Julesburg	{ Log'n, Sedg- { w'k, Phillips.	Republican
Carney, Francis	Ouray	Ouray	Populist
Cochran, John M.	Del Norte	Rio Grande	Populist
Coffman, E. J.	Longmont	Boulder	Populist
Crow, David	Williamsburg	Fremont	Populist
Crowley, John H.	Rocky Ford	Otero	Populist
Dake, Charles W.	Pine	Jefferson	Republican
Dean, William J.	Buena Vista	Chaffee	Republican
Donath, Adolf	Loveland	Larimer	Populist
Dyatt, Hugh	Leadville	Lake	Populist
Fitzgarrauld, S. R.	Telluride	San Miguel	Populist
Fritz, John M.	Alma	Park	Populist
Funderburgh, J. C.	Stewart	{ Kio'a, Prowess, { Baca	Republican
Garcia, Celestino	Concejos	Concejos	Democrat
Gill, Sam. G.	Gunnison	Gunnison	Republican
Gordon, John R.	Pueblo	Pueblo	Republican
Hallett, Henry W.	Rifle	Garfield	Republican
Harper, Theodore S.	River Bend	{ Elbert { Lincoln	Republican
Heath, J. T.	Montrose	{ Montrose { Delta	Populist
Heisler, John P.	Denver	Arapahoe	Republican

MEMBERS OF THE HOUSE, 1893—*Concluded.*

NAME.	P. O. ADDRESS.	REPRESENTING COUNTIES.	POLITICS.
Herr, Samuel E.....	Durango	La Plata	Republican
How, David F.....	La Jara	{ Conejos	Democrat
		{ Archuleta	
Humphrey, Arthur L.....	Colorado City	El Paso	Republican
Hunter, Robert F.....	Denver	Arapahoe	Republican
Hurt, J. L.....	Veteran	Saguache	Populist
Hynes, William F.....	Denver	Arapahoe	Populist
Jenks, Geo. W.....	Fulford	Eagle	Populist
Kilton, James A.....	Denver	Arapahoe	Republican
Lennard, A. W.....	Bessemer	Pueblo	Republican
Lowell, John W.....	Lilly	{ Routt	Republican
		{ Rio Blanco	
Lynch, P. J.....	Rico	{ Dolores	Populist
		{ Montezuma	
McKnight, R. A.....	Aspen	Pitkin	Populist
Moore, Henry I.....	Trinidad	Las Animas	Democrat
Neuman, Robert.....	Georgetown	Clear Creek	Populist
Norlin, Ernest W.....	Denver	Arapahoe	Republican
Page, M. V. B.....	Fruita	Mesa	Populist
Price, Teverious G.....	Burlington	{ Kit Carson	Republican
		{ Cheyenne	
Putnam, Thomas F.....	Silver Cliff	Custer	Republican
Reynolds, Joseph E.....	Husted	El Paso	Republican
Ross, Robert R.....	Walsenburg	Huerfano	Republican
Roth, Charles	Denver	Arapahoe	Republican
Sanchez, M. A.....	San Luis	Costilla	Republican
Sims, Harry E.....	Denver	Arapahoe	Republican
Slawson, W. C.....	Pueblo	Pueblo	Republican
Sweeny, Bo.....	Trinidad	Las Animas	Democrat
Thomas, Wm. J.....	Central City	Gilpin	Populist
Twombly, H. W.....	Brush	{ Yuma	Republican
		{ Morgan	
Wells, Thomas S.....	Canon City	{ Washington	Populist
		{ Fremont	
Westerman, Conrad L.....	Breckenridge	{ Chaffee	Populist
		{ Grand & Sum- mit	
Wicks, Platt	Pueblo	Pueblo	Republican
Wooton, R. L., Jr.....	Trinidad	{ Las Animas	Democrat
		{ Bent	
Young, Geo. X.....	Canfield	Boulder	Populist

OFFICERS OF THE HOUSE, 1893-4.

NAME.	POSTOFFICE ADDRESS.	OFFICE.	POLITICS.
Elias M. Ammons.....	Symes.....	Speaker.....	.. Republican
Jno. R. Wallingford.....	Glenwood Spr'gs.....	Chief Clerk.....	.. Republican
E. Boedickes.....	Loveland.....	Assistant Clerk..	.. Republican
H. A. Billow.....	Lamar.....	Sergeant at Arms	.. Republican
Gus Swanstrom.....	Denver.....	{ Ass't Serg't at Arms }	.. Republican
C. B. Wilson.....	Denver.....	Engrossing Cl'k	.. Republican
Chas. W. Betts.....	Denver.....	Enrolling Clerk..	.. Republican
C. A. Morse.....	Denver.....	Docket Clerk.....	.. Republican
W. A. Clark.....	Gunnison.....	Reading Clerk..	.. Republican
J. H. Coulter.....	Pueblo.....	Doorkeeper.....	.. Republican
W. J. Thompson.....	Castle Rock.....	Ass't Doorkeeper	.. Republican

MEMBERS OF THE SENATE, 1893-4.

HON. DAVID H. NICHOLS, PRESIDENT.

NAME.	P. O. ADDRESS.	COUNTY.	DISTRICT	TERM EXPIRES	POLITICS.
Adams, W. H.....	Alamosa.....	Conejos.....	24	1896	.. Dem
Armstrong, Hamilton.....	Denver.....	Arapahoe.....	1	1896	.. Pop
Balsinger, H. C.....	Central City.....	Gilpin.....	26	1894	{ .. Dem .. Pop }
Barela, Casimiro.....	Trinidad.....	Las Animas.....	4	1896	.. Dem
Boyd, David.....	Greeley.....	Weld.....	7	1896	.. Pop
Brown, H. R.....	Arvada.....	Jefferson.....	8	1896	.. Rep
Drake, James F.....	Pueblo.....	Pueblo.....	2	1896	.. Rep
Felker, W. B.....	Denver.....	Arapahoe.....	1	1896	.. Rep
Graham, Charles C.....	Steamboat Springs..	Routt.....	13	1896	.. Pop
Gunnell, A. T.....	Leadville.....	Lake.....	6	1894	.. Dem
Hartzell, Charles.....	Denver.....	Arapahoe.....	1	1896	.. Rep
Howes, A. F.....	Fort Collins.....	Larimer.....	10	1894	.. Rep
Israel, J. A.....	Salida.....	Chaffee.....	20	1894	.. Dem
Johnson, James G.....	Florence.....	Fremont.....	9	1896	.. Pop

MEMBERS OF THE SENATE, 1893-4—*Concluded.*

NAME.	P. O. ADDRESS.	COUNTY.	DISTRICT	TERM EXPIRES.	POLITICS.
King, John.....	Leadville.....	Lake.....	6	1894	.. Dem
Leddy, M. A.....	Manitou.....	El Paso.....	3	1896	.. Pop
Lockwood, Fred.....	Boulder.....	Boulder.....	5	1896	.. Pop
McGovney, A. A.....	Colorado Springs.....	El Paso.....	3	1894	.. Rep
McKinley, A. B.....	Denver.....	Arapahoe.....	1	1894	.. Dem
Merritt, Elmer W.....	Denver.....	Arapahoe.....	22	1896	.. Rep
Mills, David A.....	Red Cliff.....	Eagle.....	21	1896	.. Pop
Neuman, Charles.....	Durango.....	La Plata.....	19	1896	.. Rep
Painter, Jamer H.....	Holyoke.....	Phillips.....	25 Old	1894	.. Rep
Pease, George E.....	Fairplay.....	Park.....	14	1894	.. Pop
Pryor, Frank.....	Pueblo.....	Pueblo.....	2	1894	.. Rep
Smith, B. L.....	Fort Garland.....	Costilla.....	14	1894	.. Pop
Smith, F. W.....	Grand Junction.....	Mesa.....	16	1894	.. Rep
Steck, Amos.....	Denver.....	Arapahoe.....	1	1894	.. Rep
Swink, G. W.....	Rocky Ford.....	Otero.....	23	1896	.. Rep
Timmons, Colin.....	Monte Vista.....	Rio Grande.....	15	1894	.. Pop
Turner, Robert.....	Idaho Springs.....	Clear Creek.....	12	1896	.. Pop
Walters, Artemus.....	West Cliff.....	Custer.....	14	1894	.. Dem
Webber, De Witt C.....	Denver.....	Arapahoe.....	1	1894	.. Rep
Wheeler, B. Clark.....	Aspen.....	Pitkin.....	11	1896	.. Pop
White, L. N.....	Ouray.....	Ouray.....	18	1894	.. Rep

OFFICERS OF THE SENATE, 1893-4.

NAME.	P. O. ADDRESS.	OFFICE.	POLITICS.
David H. Nichols.....	Boulder.....	{ Lieut. Gov. and } { President }	..... Populist
Casimiro Barela.....	Trinidad.....	Pres't, <i>pro. tem.</i>	..... Democrat
Wm. R. Kennedy.....	Leadville.....	Secretary.....	..... Democrat
Stanley Stokes.....	Denver.....	Ass't Secretary..	.. Republican
James Cummings.....	Denver.....	Sergeant at arms	..... Democrat
John Williams.....	Coal Creek.....	{ Assistant Ser- } { geant at arms. }	..... Populist

OFFICERS OF THE SENATE, 1893-4.

NAME.	P. O. ADDRESS.	OFFICE.	POLITICS.
Ollie Moore	Trinidad	Docket Clerk....	.... Democrat
W. C. Steele	Denver	Reading Clerk..	.... Democrat
F. P. Johnson	Boulder	Printing Clerk..	.... Democrat
A. B. Gray	Rocky Ford....	Enrolling Clerk..	.... Populist
J. M. Crawford	Green Mtn Falls	Engrossing Cl'k	.... Populist
Richard Southgate	Silver Cliff	Bill Clerk .....	.... Democrat
F. O. Smith	Fort Garland	Doorkeeper .....	.... Populist
L. Garcia	Conejos	Ass't Doorkeeper	.... Democrat
L. E. Sipe	Trinidad	Messenger .....	.... Democrat
N. Chavez	Trinidad	Messenger .....	.... Democrat

SENATE JOURNAL.

FIRST DAY.

WEDNESDAY, JANUARY 10, 1894.

In compliance with a proclamation issued by his excellency the governor, Davis H. Waite, for the convening of the Ninth General Assembly in extra session, the Senate was called to order at 12 o'clock noon.

Lieutenant Governor Nichols presiding.

Prayer by the chaplain.

The roll was called, and the following named Senators were present:

Senators Adams, Armstrong, Balsinger, Barela, Boyd, Brown, Drake, Felker, Graham, Gunnell, Hartzell, Howes, Israel, Johnson, King, Leddy, Lockwood, McGovney, McKinley, Merritt, Mills, Newman, Painter, Pease, Smith (Costilla), Steck, Swink, Turner, Walters, Webber, White—31.

Absent—Senators Pryor, Smith (Mesa), Timmons, Wheeler—4.

The President announced the receipt of a telegram from Senator Wheeler, containing the information that his absence was due to a belated train.

The proclamation, calling the extra or special session of the Ninth General Assembly was read, as follows:

Whereas: Section 9 of Article IV., State Constitution, declares: "The Governor may, on extraordinary occasions, convene the General Assembly by proclamation, stating therein the purpose for which it is to assemble, but at such special session no business shall be transacted other than that specially named in the proclamation," and

Whereas: In the judgment of the chief executive of the State, the present is one of the "extraordinary occasions" mentioned in the Constitution of the State, for the following reasons, to-wit:

1. The mining interests of this State have been unjustly and unconstitutionally attacked by Congress and by the present and preceding national administrations, and the price of silver bullion been forced to so low a figure as to compel the bulk of the silver mines of the State to close down, which has thrown out of employment a vast number, not only of miners, but of others also, whose business depended upon the working of the silver mines. When the production of silver is stopped, not only do miners lose their employment, but the men of families and business men who have invested their capital in lots, residences and places of business, find the value of their improvements greatly injured, if not destroyed, and any class of people, whose interests are thus peculiarly, unjustly and illegally attacked, may rightly appeal to the legislature of the State for every remedy it is in the power of the General Assembly to give.

2. The late panic, which was brought about by the bankers of the country, as a part of the war upon silver, to compel the unconditional repeal of the Sherman act, and practically to give to the United States the gold standard of Great Britain, has so reduced the value of all commodities and of real estate, and so

increased the burdens of debt and taxation, that the agriculturists, the fruit growers and stock raisers of the State, as a rule, are compelled to sell their staple products below the cost of production. By the closing of the silver mines, despite the various and remarkable resources of the State, in all parts of Colorado except in the vicinity of the recently opened gold mines, the producers of the State have lost to a great extent their best and only profitable market in the silver mining camps. The laborers of the State, by the general closing of the silver mines and the dullness of all other kinds of business except in the gold camps, find employment difficult to obtain and wages extremely low, and all these classes of people have a just right to demand of the General Assembly of the State such legislation as shall be for the general welfare, and give to the producer living prices and to the industrious workingman an opportunity to earn his daily bread.

3. It may not be in the constitutional power of the General Assembly to grant any relief whatever to debtors from the extraordinary remedies that the law grants on the foreclosure of chattel mortgages and trust deeds now in force, but the General Assembly, upon contracts made after its legislation shall become a law, should abolish and repeal the extraordinary remedies now granted to creditors in Colorado, which have placed a debtor class wholly within the power of the creditor, and "deprived him," unjustly and against public policy, "of his property, without due process of law."

4. The State at the last general election voted to extend the right of suffrage to the women of Colorado, under the same conditions required of male electors. This adds to the vote of the State over 80,000 voters. Under the present cumbrous registry laws of the State, the great bulk of these voters will not be registered, and unless some remedy is provided will be denied the right of suffrage. It is also important that the Australian ballot law be

amended so as to provide for its enforcement by a non-partisan Board of Electors, to the end that there may be "a free ballot and a fair count," without which no republic can long exist.

5. At the last regular session of this General Assembly so much time was taken up in organization and in other matters not connected with legislation that only twenty-two bills were passed by the General Assembly until within ten days of the close of the session. The bulk of the legislation was considered by the Governor after the session had adjourned, which deprived the Legislature of its constitutional right to reconsider the veto of the executive, and about twenty bills were vetoed by him, simply because, being without the signature of the Lieutenant-Governor, it was found upon examination of the records that these bills did not pass the Senate until after the term of the legislative session had expired. This special session will meet fully organized to the minutest detail, and the members, with the legislative experience of the previous session, will be fully prepared to do business promptly, and, as I think, for the best interest of the State.

Appealing to Almighty God for the rectitude of my intentions, and willing to assume the entire responsibility of the act, I, Davis H. Waite, Governor of Colorado, do issue this, my proclamation, and summon the members of the Ninth General Assembly to meet in special session, at the City of Denver, on Wednesday, January 10, 1894, at 12 o'clock noon, at such place in said city as shall be provided by the Secretary of State. The matters of business especially named by me in this proclamation, to be transacted in said special session, are as follows:

1. To restore that ancient landmark which existed in the history of this country for eighty-one years, from 1776 to 1857, and in pursuance of Section 10, Article I., United States Constitution, which declares the right of a state to make gold and silver coin a tender in the payment of debts, to provide

that all silver dollars, domestic and foreign, containing not less than 371 1-4 grains fine silver, or not less than 412 1-2 grains nine-tenths fine silver, and upon the present ratio of sixteen ounces of silver to one ounce of gold, shall be a legal tender for the payment of all debts, public and private, collectible within the State of Colorado.

2. To enact a law against making any trust deed, mortgage, contract or obligation of any kind or character, or any part thereof, or any interest payable thereon, executed after this act shall become a law, payable in gold, and providing that any trust deed, mortgage, or contract or obligation, or any part thereof, or any interest payable thereon, made payable in gold and executed after this act shall become a law, shall be declared payable in the same money or currency in which an ordinary debt or obligation is now payable by law.

3. That the Ninth General Assembly do recommend to the electors of the State to vote at the next general election for or against a convention to revise, alter and amend the Constitution of the State of Colorado.

4. To so amend the laws relating to State Canal No. 1 as to permit its construction under the supervision of State officers, and without contractors, if it shall be deemed best for the State, or, if contracts shall be let, that no single contract shall be let on more than one mile in length on the canal line; also, in payment of said work, labor and materials, that, instead of the issuance of certificates of indebtedness in sums of \$1,000, as now provided by law, said certificates of indebtedness may be issued in small denominations, without interest, of \$1, \$2, \$5 and \$10, payable to bearer, deliverable to the State Board of Control, or Construction, upon presentation to the State Auditor of the written acceptance by the State Engineer of the part of the canal reported as complete, such certificates to be payable direct to workmen or contractors for work and labor performed and

for materials furnished; and that said certificates be receivable in payment for water carriage and for leasing and sale of State internal improvement lands. That said certificates of indebtedness, so issued by the State Auditor, may at any time after three years after their issue, upon presentation at the Auditor's office, be convertible by said Auditor into certificates of \$100 each, payable to bearer, or, if desired, registered as payable to owner only, and bearing an annual interest of five per cent. from the date of conversion to date of final payment; and to amend the present law, or to enact such new laws as, in the judgment of the General Assembly, shall be necessary to carry out these recommendations, insure proper record, promote the general welfare and protect the State against loss.

5. That the Act of 1891, in relation to State Canal No. 2, be amended in similar or other particulars, as above recommended in relation to State Canal No. 1, or a new law enacted, as the General Assembly shall deem best.

6. To pass an act for the construction of the Twin Lakes Reservoir and provide ways and means therefor.

7. To repeal all laws authorizing the issue of municipal bonds, except those parts of laws necessary to provide for the payment of bonds already issued.

8. To provide that municipalities, the State, counties, cities and school districts, and any or all of them, may make all necessary public improvements or constructions, and to same extent upon the assessed valuation of property as such municipalities are now authorized to issue bonds; and, in payment of such constructions or improvements, the said municipalities be allowed to issue certificates of indebtedness, or orders, upon the treasurer of the municipality so issuing, payable to bearer, and issued in sums of \$1, \$2, \$5 \$10, and \$20, to be deliver-

ed, under such regulations as the proper officers of the municipalities shall provide, directly in payment of work and labor performed and materials furnished; also to provide that such certificates, or orders, shall be receivable by all county treasurers for the tax levied for the benefit of the municipalities so issuing said certificates, or orders, either in full or at fifty or seventy-five per cent. thereof; but in all cases the said certificates, or orders, shall not be receivable by said county treasurers upon any cash levy to pay interest or principal upon any municipal bonds heretofore issued; also that after three years from date of issue of said certificates, or orders, the same shall be convertible by the proper officers of the municipality issuing said certificates, or orders, into certificates of \$100 each, bearing interest at five per cent. per annum from date of conversion to date of final payment.

9. That an additional clerk shall be appointed by the State Treasurer, who shall be called the Register of the State Treasury, and shall keep a proper record of all orders or certificates issued by the State and all municipalities, and shall receive a reasonable salary therefor, and for such other duties as may be prescribed by law; and that all such certificates and orders shall be uniform as near as may be, and be provided by the said Register of the State Treasury at the expense of the municipalities requiring them.

10. To provide that appropriations be made to meet all necessary expenses of this special session, and if there are no funds in the State treasury available for such purpose, to provide for the payment of the same by increased taxation.

11. That the interest on judgments be reduced to six per cent. per annum.

12. That a new county be organized out of the west part of El Paso county, and the contiguous territory thereto, to include the Cripple Creek region.

13. To provide that an additional judge and clerk of the court be appointed in the Fourth Judicial District, and that the boundaries of the said judicial district be so changed as to include all the new county that may be established.

14. To amend the homestead law, so that the residence of a man or woman of family, owned by him or her, or by both, situate upon grounds—in a city, not more than two adjoining lots, or outside of a city limits, and within two miles, not more than five acres, or, if more distant from the city limits, not more than ten acres—occupied as a residence, shall be, from the date of the passage of such act, a “homestead,” without filing the deed of the said premises in the recorder’s office, with a written marginal statement that said premises are filed upon as a homestead, but proper proofs of the facts herein stated shall exempt said two city lots, or five acres or ten acres, as the case may be, so occupied as a residence, from execution for all debts incurred from and after the passage of this act, to an amount not exceeding \$2,000 in value.

15. To provide that whenever, by the present law, the State Auditor is required to issue a State warrant upon the State Treasurer, and there shall be no money in the State treasury properly payable upon said warrant, the holder thereof shall have the privilege to surrender the said warrant and receive in lieu thereof State certificates, or orders, in denominations of \$1, \$2, \$5 \$10 and \$20, without interest, which certificates or orders shall be receivable by the proper State officer for all State dues of every kind. Said certificates or orders shall state the number of the original warrant, with the name of the payee, in lieu of which they were issued, and be payable whenever the money shall be in the State treasury to pay said original warrant.

16. To so amend the laws of the State as to do away with the contract system in our public works for the State, counties, cities, towns, road and school

districts and any or all of them, and to require all such work to be done under the direct supervision of sworn public officers, without the intervention of contractors.

17. To provide that irrigation companies renting water or the carriage thereof, may lawfully collect in advance, only one-third the annual charge for water carriage from the rentee, until after the water contracted has been furnished the said rentee.

18. To pass an eight hour law declaring eight hours a legal day's work, and punishing its violation with proper penalties.

19. To pass a law against usury.

20. To amend the attachment laws of the State by striking out the tenth, eleventh and thirteenth causes of attachment, such amendment to take effect only on contracts made after this enactment becomes a law.

21. To provide that trust deeds as security for all debts contracted after this act shall become a law, shall be declared mortgages only, with an equity of redemption and subject to foreclosure according to the rules and proceedings in equity courts.

22. To provide that chattel mortgages, as security for debts contracted after this act shall become a law, shall be subject to foreclosure only upon notice, and according to the rules and proceedings in equity courts. Also to provide to prevent the evasion of this act by conditional sales.

23. To enact a law prohibiting child labor, with proper penalties for its violation.

24. To repeal Section 5 of an act entitled, "An act concerning damages sustained by agents, servants or employes," approved April 8, 1893.

25. To enact a law to prevent what is known as the "sweating system," and to declare the violation of the law a misdemeanor, subject to fine or imprisonment or both.

26. To enact a law to prevent trusts and combines from monopolizing the coal product of the State, so as to increase the price of coal, and declaring a violation of the law a misdemeanor.

27. To enact a law to compel railroad corporations to deliver bills of lading to all parties to whom they shall carry coal, and that the said railroad corporations shall be responsible for the correctness of the weights as specified in said bills of lading.

28. To amend the garnishee laws so that their provisions shall not apply to any wages due or to become due to laboring men and women, to the amount of one hundred dollars.

29. To enact that the law in relation to elections, etc., in this State, known as the Australian ballot law, be amended so as to provide:

a. That there be a non-partisan Board of Elections in every county in the State, charged with carrying out the provisions of the registration and election laws, to consist of one member from the political party which cast the highest number of votes at the preceding general election; a second member from the party casting the second highest number of votes at the preceding election, and the third member from the party casting the third highest number of votes at the preceding election; and all the duties now imposed upon the county clerks and boards of county commissioners, relating to registration, challenges, arrangement of nominations on the ballot and elections, shall be transferred to and performed, at the expense of the county, by said non-partisan Board of Elections; to hold their offices one year and until their successors have been duly appointed.

b. That the said Board of Elections shall be composed of such persons as the several county committees of the political parties entitled to representation on said election board by this act shall designate on or before the first day of August in each year, and all vacancies shall be filled on recommendation of said political county committees.

c. There shall be three clerks of elections in each election precinct, who shall be non-partisan and selected in the same manner as the judges of election, and each of said judges and clerks shall make out in writing, properly attested, and file the same with the county clerk, that he is a member of the political party he represents.

d. That the said Election Board, at the expense of the county, shall make a house to house canvass in all the various election precincts of the city or county, or both, and register all female voters not previously registered who are qualified electors under the laws of this State, said canvass to commence on the first day of August, 1894. That the said Election Board shall have books of blank affidavits, and before any such voter is registered she shall sign or make her mark and swear to the facts set forth in said affidavit as to her qualifications, and upon such affidavit she shall be entitled to be registered. In the event of sickness, absence or other unavoidable cause a female voter shall not be thus registered she may go before said Election Board at any time within five days of the election, and upon making the affidavit as above specified she shall be entitled to be registered.

e. No person shall be challenged except when he or she offers to vote, and no elector shall vote unless registered in the proper precinct at least five days before the election.

f. A new registry shall be made each year before the general election.

g. The county committee of any and all political parties whose ticket has a place on the ballot list, but who are unrepresented politically by the election judges or clerks, may furnish in writing to the election board the name of one watcher for each election precinct (who shall be a qualified elector in said precinct), who shall be entitled to be present on the inside of the polling booth on election day and

the entire time of receiving, polling and counting the ballots, and the making out of the election returns, and declaring the result, and in full view thereof.

h. That any failure of the county commissioners to appoint the election board or election clerks as herein provided shall be a misdemeanor, punishable by fine and imprisonment.

i. That a failure of the judges of election at any precinct to admit into the polling booth a representative of the political party on the ballot list, but not represented in the composition of the board of election or election clerks, as herein provided, shall be a misdemeanor, punishable by fine and imprisonment.

k. That immediately after the polls close the canvass of the votes shall commence, be completed and the result declared in full view of the judges, clerks and watchers, and without intermission or adjournment.

30. That the Governor shall appoint a State Bank Examiner, whose duty it shall be to examine all State banks, savings banks and private banks in this State at least five times a year, and without notice, and make an official report to the Governor. That said banks, on demand by said examiner, shall submit their books, accounts and a sworn statement of their capital, and of what it is composed, their loans, deposits and operations, as fully and completely as now provided by United States law as to examinations of national banks; and for a failure to comply with this law the officers of said State banks, savings banks and private banks shall be liable to the same penalties now prescribed in United States statutes for similar failures by officers of national banks, and the several State banks, savings banks and private banks shall pay to the State Bank Examiner the same fees for his services in examination as national banks are now required to pay to the government examiners. Said State Bank Ex-

aminer shall hold his office for two years, unless sooner removed by the Governor.

31. To propose as an amendment to the State Constitution that the principle of the initiative and referendum be applicable to State legislation, as, in the opinion of the executive, that principle cannot be applied without an amendment to the Constitution of the State.

32. That House bills of the late regular session of the Ninth General Assembly numbers fifty-one (51), fifty-seven (57), eighty-seven (87), eighty-eight (88), one hundred and twelve (112), one hundred and thirty-one (131), one hundred and sixty-five (165), two hundred and eighteen (218), two hundred and thirty-seven (237), two hundred and seventy-six (276), two hundred and eighty (280), two hundred and eighty-five (285), three hundred and seventy-one (371), four hundred and thirty-one (431) and four hundred and fifty-eight (458) are recommended to this General Assembly as subjects of legislation, reference being had to the amount of money in the State treasury to the credit of the internal improvement funds, both permanent and income.

33. To provide to reduce the penalties and interest on delinquent taxes to one-half the present rates.

In witness whereof I have hereunto set my hand and caused the great seal of the State to be affixed.

Done at Denver this twenty-seventh day of December, A. D. 1893.

DAVIS H. WAITE,
Governor of Colorado.

[Seal.]

Attest:

NELSON O. McCLEES,
Secretary of State.

The following message was received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., January 10, 1894.

Mr. President:

The undersigned have been appointed a committee by the House of Representatives to notify the Senate that the House is now in session pursuant to the proclamation of the governor, and ready to proceed to the transaction of business.

Robert W. Bonynge,
Bo Sweeney,
Francis Carney.

Senator Barela moved that a committee consisting of three Senators be appointed to notify the House of Representatives that the Senate is in session and ready for the transaction of legislative business.

The motion prevailed and the President appointed as such committee Senators Barela, Pease and Armstrong.

Senator Hartzell introduced S. C. R. No. 1,

Arranging for the appointment of a joint committee to notify his excellency the governor that the General Assembly is organized in extra session in accordance with his proclamation and in readiness to receive any communication he may desire to make.

The resolution was adopted and the President appointed on the part of the Senate, Senators Hartzell and Turner.

A recess was taken until 2 o'clock p. m.

AFTERNOON SESSION.

The Senate resumed its sitting at 2 o'clock p. m.

The roll was called and the names of Senators Pryor and Wheeler were added to the list of the Senators present.

The following message was received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., January 10, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives has concurred in S. C. R. No. 1, and appointed Messrs. Wootton, Heisler and Donath on the part of the House, as members of the joint committee therein provided for.

The resolution is herewith respectfully transmitted.

Jno. R. Wallingford,
Chief Clerk.

The Senate members of the special committee selected jointly to wait upon the governor reported that his excellency would be in readiness to deliver his address at 3 o'clock p. m.

The following message was received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., January 10, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives has passed

H. R. No. 1,

And asks your concurrence therein.

The resolution is herewith transmitted.

Jno. R. Wallingford,
Chief Clerk.

H. C. R. No. 1,

Relating to a joint convention in the hall of the House of Representatives, to receive the governor's message,

Was read.

On motion of Senator Hartzell the resolution was adopted.

On motion of Senator Hartzell the Senate adjourned to the hall of the House of Representatives, in accordance with H. C. R. No. 1.

Message of Governor Waite:

Senators and Representatives of the Ninth General Assembly:

Under the constitution of this State, the regular sessions of the State Legislature are biennial. The great reason which has induced a large majority of the States to adopt biennial instead of annual sessions of the State Legislatures is said to be on account of the multiplicity of laws enacted. But of the great mass of laws more than nine-tenths are local and special.

The Hon. David Dudley Field, as president of the American Bar Association in 1879, thus discussed the matter:

"I do not think the change from annual to biennial sessions was a wise one. It does not appear to me an encouraging sign for republican government. It is a bad omen when there is fomented, as there is now, a general disrespect for legislatures. Shall it ever be said that the disuse of representative institutions, which neither the craft of princes nor the strength of armies was able to accomplish in the old world, the abuse of such institutions has accomplished in the new? Annual parliaments have been the demand of the people under monarchical governments from time immemorial. Is there less reason for frequent meetings of the representatives of the people under these governments, which we say are of the people, by the people and for the people? Biennial sessions of the legislatures will not lessen the evil of too many special privileges granted, but will intensify it. The remedy lies in limiting the scope, rather than the frequency of legislation. To allow

legislators to deal with all the subjects with which they now deal, but to give them less time for the task, is but to compress within a smaller space the elemental fires, which, when too much compressed, will sooner or later explode the whole fabric. We want annual legislatures to watch and check the other departments of the government, as well as to make laws. If it were true that we were able no longer to elect honest representatives, then indeed it would be true that we were no longer fit to govern ourselves. But neither supposition is a true one. The upright citizens, they who desire honest government, are an immense majority of the American people; the politicians are a timorous set, who will cower and run the moment they hear the growl of the multitude. It is our own supineness that has begotten the wish for biennial instead of annual sessions of the representatives of the people. The biennial session is, therefore, in my judgment, a movement backward in the march of free government."

SPECIAL SESSION.

Fortunately, under the constitution of our State, we are not limited to biennial sessions. "The Governor may, on extraordinary occasions, convene the General Assembly by proclamation, stating therein the purpose for which it is to assemble." That such an occasion exists not only in Colorado, but all over the United States, no man can truthfully deny. Amid a storm of invective and abuse such as no previous Governor of the State ever encountered, and which insisted that the present executive should violate his oath of office, and surrender his conscience and duty into the hands of a moneyed aristocracy, the proclamation under which you are assembled has been issued.

It is necessary for me to consider but few of the various matters specially named in that proclamation:

TRUST DEEDS AND ATTACHMENT LAWS.

Governor Adams, five years ago, pronounced the legislation of this State in relation to trust deeds and attachments as "infamous." The hypocritical press and politicians of the two old parties have vied in denunciation of these statutes, which place the debtor class absolutely at the mercy of the creditor class, and provide under legal forms "to take away the property of the debtor without due process of law," but during the last three regular biennial sessions of the Legislature of this State, whose sessions are limited to 90 days, no legislation for the relief of the people from these infamous laws has been accomplished. The bankers of this State, the corrupt politicians and venal newspapers who, pretending to be opposed to these iniquitous laws, have really been in their favor, by every means in their power have prevented their repeal. The tactics of delay have been used with fatal effect, and general assemblies, apparently and perhaps really in favor of reform as to these outrageous laws, have adjourned unable to afford any relief. The very same policy is now pursued by this same corrupt and venal crew, who, admitting that many of the recommendations of the proclamation are wise and needed by the State, advise that this General Assembly shall adjourn without legislation, thus leaving the people of the State at the mercy of the most heartless and conscienceless money power on the earth, or elsewhere.

The true reason of opposition to the special session is that the bankers and money loaners of this State have heretofore so controlled the legislation of the State that they have the debtor class by the throat, and mean to hold their grip. You are now assembled in special session. The recommendation of the proclamation as to trust deeds and attachments does not propose to interfere with existing contracts. It leaves the debtors entirely at the mercy of the creditors in those respects, because they in-

volve constitutional questions, the litigation of which would perhaps be equally as injurious as to leave present contracts subject to present remedies. But, as to future contracts, there can be no question with any honest man, that the infamous outrages, which the creditor can now lawfully commit upon the debtor, should cease. The recommendation as to the attachment laws of the State applies equally to the code and the justices' act and the regulation of costs. The special plea so often made that independent and just legislation will drive away foreign capital, or provoke the creditor to resort to the unjust advantages our laws give him, is both cowardly and false. Creditors often grant time and favors to their debtors, but as a rule it is in their own interest. When payments become slack, or are entirely suspended, the legal remedies will be applied. The single gold standard has two aspects, one that of apparent prosperity, when money is plenty and prices of property reasonable, and trust deeds and mortgages are prevalent. The second and last stage is entirely different, when property values are wiped out, and the mortgagee gathers in his investments at one-fourth the actual value. There is no escape for such unfortunate debtors. "Verily, I say unto thee, thou shalt by no means come out thence, till thou hast paid the uttermost farthing."

MUNICIPAL BONDS.

The recommendation to repeal all laws authorizing the issue of municipal bonds is important. Without doubt, the public sentiment of the State is opposed to the issue of United States bonds, which from the very beginning were a robbery of the people burdening them with interest payments and premiums solely for the benefit of Wall street. The men who have been prominent in the bonding legislation and who now control congressional legislation will, at no distant period, "go to their own place" with Benedict Arnold and Judas Iscariot. The bonding system for

States and municipalities is of the same infamous brood as the national bonds. It is to burden the States, the counties, the cities and the school districts, with enormous long-time debts and semi-annual interest, unjustly imposing grievous burdens upon posterity. Statistics show that upon the bonds issued by the United States, the interest in advance premiums, changing payments of principal from lawful money to coin, from coin to gold, and other so-called "credit-strengthening acts," but really traitorous and corrupt congressional legislation, paid for by Wall street, have cost the United States nearly 30 per cent. upon its bonded debt, above the annual interest. Under the present State statutes, the bonds of the States, counties, cities and school districts do not cost the people less than 40 to 50 per cent. on the average above the stipulated interest, all for the benefit of as soulless a set of usurers as ever lived since the dawn of history.

COUNTY AND MUNICIPAL WARRANTS.

The proposition to repeal the law now prohibiting county treasurers from receiving municipal warrants upon municipal tax, is to do away with precisely the same kind of legislation as prohibited the greenback from being received for customs or for payment of interest upon the public debt. It is class legislation and in the interest of the vilest class of thieves and robbers that ever afflicted any people.

STATE WARRANTS.

The proposition to issue certificates or orders for State warrants is just and constitutional. As is also the proposition for municipalities to issue their certificates or orders instead of borrowing money. The question is simply whether the financial policy of the country shall be in favor of the people, or wholly in the interest of the banks and bondholders, whether the national financial policy, so fiercely but hypocritically denounced by the old political parties

in this State, shall also control the financial policy of the State and municipalities.

The following letter from ex-Mayor Brown of St. Louis explains itself:

City Auditor's Office,
St. Louis, January 5, 1894.

To His Excellency Gov. Waite, Denver, Colorado:

Dear Sir—His Honor, the mayor, has placed in my hands your letter of January 4th inst., requesting information as to whether the city of St. Louis at any time issued city script in payment for city improvements or other expenses, and if the same passed current as money. In answer to which I have to say that in November, 1873, while I was mayor of the city, and in consequence of a panic, the banks all over the country closed down, the city having \$464,000 deposited in one of our banks and unable to draw it out, and consequently unable to pay any of her current expenses, such as street cleaning and other labor. I found it necessary to avoid a bread riot, to find some means of tiding over the then trying condition of things. On consultation with the Finance Committee of the Council we decided to issue city script pledging the credit and income of the city for its redemption, without stating distinctly the time for such redemption, not knowing what the outcome of the then panic would be. I immediately left for New York and arranged for plates of ones, twos and three-dollar bills, to the extent of \$400,000, the sample of which I herewith enclose, with the request that it be returned to me, as it is the only one I have, and keep it as a souvenir. The money was issued immediately on its arrival at St. Louis and passed current everywhere in and out of the city, some of it for over two years, and some portion of it never has been returned, but the city has and will redeem any portion of it that may be at any time presented.

The United States government at Washington, hearing of the issue of this script, sent an agent to

St. Louis to inquire into it, claiming that the issue of any circulating medium was illegal, and punishable by fine and imprisonment. But I showed him that it was issued under the most stringent circumstances, and to avoid a riot. He returned to Washington, and I heard no more from that source.

Very truly,

JOSEPH BROWN,
City Auditor.

IRRIGATION LAWS.

The proposition to amend the irrigation laws is also just, and in favor of the people. Under the present laws, foreign corporations may collect in advance rent for water carriage, even though they never furnish the water, a monopoly that only the cheek of a paid lobbyist can defend.

COAL MONOPOLY.

The proposition to prevent trusts and combines from monopolizing the coal product of the State was intended to apply to such acts committed anywhere in the State, and to such part of the coal product of the State as should be attempted to be thus monopolized. The price of coal has just been raised in this city, principally because the dealers are swindled in weights by the coal companies and the railroads.

NEW COUNTY FOR CRIPPLE CREEK.

A new county to accommodate the people of this district has become a necessity to relieve the people from extraordinary costs, attendant on establishing titles and from delay in litigation, which now amounts to a denial of justice.

TO AMEND THE AUSTRALIAN BALLOT LAW.

The proposition to amend the Australian ballot law is made in the interest of the purity of elections and to prevent partisan frauds. No honest man can

deny that the interests of the people demand a non-partisan board of elections. The very foundation of all good government rests upon the purity of elections, and speaking for the people of the State of Colorado, I implore the Ninth General Assembly to rise above all partisan considerations and so amend this vital law as shall endear the memory of this Assembly, not only to the people of this State at the present time, but for all generations to come.

WOMEN VOTERS.

It is certainly an "extraordinary occasion" when by a vote of the people 80,000 electors are added to the voting population of the State, and these our own wives, sisters and daughters. It is certain that under our present system of registry but a small proportion of these new voters will ever become qualified to vote. Why should not a house to house registry be provided for them, as was for the male electors when the present registry law was established?

TO REDUCE PENALTIES AND INTEREST ON DELINQUENT TAXES.

This proposition is of pressing importance, as notwithstanding the capacity of the people to pay taxes has been greatly reduced, the amount of tax in many of the mining counties of the State has been largely increased.

STATE BANKING INSTITUTIONS.

The proposition to provide for the examination of State banks is of the utmost importance to the welfare of the people of the State. Within the past year there have been several failures of private or State banks and savings banks, notably at Denver, Pueblo, Salida and Newcastle, which proved upon examination to have been the most barefaced robbery. In some instances so-called bankers have deposited their own notes, as paid-up capital, hired an office, and commenced receiving deposits and selling ex-

change on New York, London, Calcutta and the Islands of the Sea. When the crash came the assets of these banks, consisting wholly of deposits, had been expended by the bank officials in riotous living and European tours, and in some cases had been taken out by the officials and the place of the funds supplied by suspended bank paper of another bank. It is high time that measures were adopted to prevent such frauds, and take away from these robbers the apparent authorization of the State. To the passage of such a law there ought to be no opposition. Certainly no honest banker, who means to pay his own depositors in full, can defend the acts of these defaulting banks in the robbery of widows, orphans, hired girls, hired men and children, without becoming subject to the just imputation of being a scoundrel himself.

THE LOCAL BILLS OF LAST SESSION.

The objects of these bills appear to be legitimate and proper, and the appropriations are moderate and such an expenditure of the internal improvement fund as the law creating that fund contemplates. It appears to me that the State should use internal improvement funds for internal improvement purposes, rather than to deposit these funds in banks at four per cent. interest, for the banks to loan out to the people at 12 to 15 per cent., which is precisely the same unjust principle upon which the United States government supplies capital to the national banks, and disclaiming to be a paternal government, gives its assistance wholly to that class which needs it the least.

NATIONAL, STATE AND MUNICIPAL INDEBTEDNESS.

The Hon. David Dudley Field, from whose address to the American Bar Association, delivered 15 years ago, I have already quoted, says: "We want annual legislatures to watch and check the other de-

partments of the government, as well as to make the laws."

Truer words were never uttered, nor was there ever a more "extraordinary occasion," when State legislation was necessary to check or defeat the tyrannical and unconstitutional legislation of Congress than at the present time. For the past thirty years a corrupt money power has wrested the public laws from their proper purposes to grant special privileges to monopoly, and build up an aristocracy of wealth, and this same policy has prevailed as to states and municipalities, till their bonded indebtedness has become appalling, and is largely in excess of the strictly national debt. The prosperity of the municipalities is absolutely to be destroyed, if the limbs of the financial octopus which are now fastened upon almost every county, city and school district, are not cut loose.

"Carthage delenda est," which may be freely translated: "the bonding system both national and municipal must be destroyed."

GOLD CONTRACTS.

The proposition to make contracts to be paid in gold is illegal is just, and is the only practical means to counteract the conspiracy of the money power to override by an individual agreement the laws and constitution of the United States as to legal tender.

THE WAR UPON SILVER.

But the worst and most tyrannical usurpation of power by the general government has been its unjust and unconstitutional war upon silver. In this fight we, in common with other Rocky Mountain States, because producers of silver, have been particularly injured. War has been made upon our main industry. It has stricken down, principally through the instrumentality of the Republican party for the past 20 years, the production of silver in all

the Rocky Mountain region, amounting annually to near 70 million dollars. It has not only destroyed the value of silver prospects and mines, but reduced the value of all other property dependant upon silver mining, and has injured also the professional, mechanical and agricultural interests of the State, which have largely depended on the mining camps for business and markets, and yet the venal press of Colorado is beseeching support for the "grand old republican party," because that party is the great representative of the principle of protection to American industry.

THE SITUATION.

Practically silver mining in the State of Colorado has been ruined. The action of Congress in repealing the Sherman act, which made a market for 4,500,000 ounces of silver bullion per month, in connection with the act of the British money power in closing the mints of India to the coinage of silver, is conceded to be the final stroke which ushers in the gold standard and destroys silver as a constitutional money metal, except for subsidiary purposes. The secretary of the treasury, Mr. Carlisle, at a banquet held in New York city November 21, 1893, and given to exult over the destruction of silver, said:

MR. CARLISLE'S SPEECH.

"Gentlemen, the question whether the obligations of the United States will be paid in coin current in all the markets of the world has already been settled, for all time to come. It has been settled not by any specific act of congress prescribing the exact mode of payment, but by the spirit and obvious purpose of the whole body of existing legislation upon the subject and by the deliberate judgment of the American people, and the declared purpose of those who have been entrusted with the execution of the laws."

(Mark this admission, silver has virtually been demonetized not by any specific act of Congress, but

by the declared purpose of those who have been entrusted with the execution of the laws.)

"This does not imply that silver is to have no place in our monetary system. What is to be the ultimate fate of that metal is one of the problems which time and events can alone solve, but for many years, notwithstanding all our legislation in its support (?) the fluctuations of its value have been so rapid and so great as to demonstrate the fact that it cannot be safely coined without limitation into money of final redemption, at the existing ratio or at any other ratio that might be established. * * * It is enough to say at present that we have already on hand a stack of silver, coined and uncoined, sufficient to meet all the probable requirements of the country for many years to come."

Secretary Carlisle not only represents the administration—the executive officers who have given us the gold standard, "not by any specific act of Congress," but "by the declared purpose of those who have been entrusted with the execution of the laws"—but he also represents a majority of the Democratic party in Congress, who, while insisting and swearing they were for the free coinage of silver, deliberately adopted the gold standard.

SENATOR TELLER.

On the 13th of October last, Senator Teller on the bill to repeal the Sherman act, spoke as follows:

"To the great agricultural producing section of the country this measure does not mean African slavery; it does not mean that the black man shall be the serf of the money owners of this country; it means that my people and your people shall be the serfs of the men who hold the purse strings of the world. * * * If you turn this corner and demonetize silver, as you propose to do by this bill, you have fastened the clamps upon the great American people—the producing, industrial classes of this country"

and they will not be slaves for to-day or to-morrow only, but if the policy here proposed be persisted in for a few years, they will be in slavery as objectionable as that which formerly existed in this country, except they will have the right to move from one quarter section of land to another, but, unlike the black man, they will be without the care, sympathy and attention that the black man often had from his master. Our people are to be left to the tender mercies, the cruelty and greed of money, consolidated in the great commercial centers of this country, reaching out like a huge octopus, attacking all the great industries of the country, and bringing them under their control, determining what profit the man who tills the soil shall have year by year, determining what shall be the profit of the man who runs a mill or a mine, or who carries on any industry in this country."

These words of Secretary Carlisle and Senator Teller, deliberately made, ought to convince anyone that the present is an "extraordinary occasion," when not only our prosperity is attacked, but our liberties also.

THE CONSTITUTION OF THE UNITED STATES.

There can be no objection by any good citizens to giving all parts of the constitution their full and legitimate effect, whether or not the provisions of the great charter of our liberties build up a "strong government." If that was the evident intention of the fathers, we should loyally submit, so also those parts which define and reserve the rights of States, as independent in their sphere of the general government, deserve the same scrupulous regard.

We regard the following as axioms:

"1. All rights possessed by Congress are concessions to the general government from the States or the people.

"2. No right in possession of any State derives its origin from the constitution of the United States. Prior to the organization of our present national government, all rights belonged to and were exercised by the several sovereign States. No act of Congress, except under Article IV., section 111, constitution of the United States, providing for the admission of new States, can confer a constitutional right upon any State, nor can any act of Congress take away from any State a constitutional right.

"3. Each State of the United States has the same rights under the constitution as the oldest, most populous and wealthy of the original thirteen States. The political rights of each relate back, from the date of its admission into the Union, to the adoption of the constitution of the United States in 1789, and to the date of the adoption of the several constitutional amendments."

The factious opposition made in Congress to the admission of new States, and the insulting attacks made upon the Western States of small population, on account of their representation in the United States Senate, is not only unjust, but in direct opposition to the constitution of the United States, which declares, as one of the compromises upon which the constitution itself was adopted, "that no State without its consent, shall be deprived of its equal suffrage in the Senate." (Art. V., amendments.)

The financial policy of this country, as it now exists, has been brought about by arbitrary acts and decisions of the executive, and secretaries of the treasury, without the authority of any specific act of Congress, or by legislation forced through Congress by bribery and corruption, or by a fraudulent revision of the United States statutes amounting to absolute forgery.

FREE COINAGE OF SILVER—THE REMEDY.

There can be no question that the right of Congress "to coin money, regulate the value thereof, and

of foreign coins," was ceded by the States for a particular purpose, namely, to create uniformity in the various States, and that when a standard unit was adopted and a United States mint established, Congress did all it was intended it should do. The free coinage of gold and silver was designed and expected to be continuous, and Congress had no right to demonetize either gold or silver, or to close its mints to the free coinage of either metal. Upon a proper case made in the United States Court, we are bound to presume that the courts would so decide, because the facts and merits of the case demand such a decision. Were this all that the constitution of the United States contains upon this matter, the State might even resume coinage as a right lapsed to it, but another clause absolutely prohibits a State from coining money. This clause has prevented me from recommending anything like token money, or bars stamped with weight and fineness. The fact that all bullion-certificate plans contemplate the issue of certificates based upon the bullion value of silver, appears to me to contain the same fatal defect which belonged to the Bland bill and to the Sherman act, and every other plan or device whatever, which recognizes silver as a commodity. The only remedy that can ever do equity to the people is the free and unlimited coinage of silver, at the ratio of 16 to 1. There can be no doubt of the authority of Congress to so enact, but, judging of the future by the past, what hope is there of success in congressional legislation? In 1878 we had a President opposed to the free coinage of silver, as has been the case with every President since that date, and will continue so long as the two old parties elect a President of the United States and are dominated by Wall street, but in 1878 we had more than two-thirds majority in both Houses of Congress for the free coinage of silver, but we were persuaded to compromise on the Bland bill, which, besides making silver a commodity, contained the fatal provision that the silver dollars, coined under

that act, should not be a legal tender on contracts when the payment was otherwise specified. And this at a time when there was no contract in the United States calling for its payment in gold, and when no railroad company had ever contracted to pay its dividends, or the interest on its bonds, in gold, and this bill was passed over President Hayes' veto. Fatal compromise. It prevented the free coinage of silver for seventeen years, when the Sherman act was passed, and it contained the same infamous clause, declaring the silver dollars, coined under the act, not a complete legal tender, and in the meantime the two-thirds majority of 1878 in both Houses has dwindled to less than a majority on a square vote in each House of the present Congress.

Shall we then give up the struggle? No, never. But have we not worked long enough upon that exclusive line? For twenty years we have worked inside the party lines of the two old parties, absolutely under the control of the money power. The last national conventions of the Democratic and Republican parties declared in favor of bimetallism, not in good faith, but with intent to deceive. The free coinage States of the West and South were exhorted to support the nominations of the old parties, because the platforms of the two old parties had declared in favor of the free coinage of silver. Who supposes that the coming party platforms of the two old parties in 1896 will so declare? We substantially have the gold standard now, and the necessity for falsehood and deception has passed away.

Sad indeed would be the fate of the debtor class of the nation if the only hope of free coinage was in congressional legislation within the two old party lines. But there is another remedy within the constitutional power of every State, by the exercise of which the fruits of the free coinage of silver may be anticipated, money made abundant, the wheels of business set in active motion, employment given to

labor at remunerative wages, and prosperity drive away grim want and poverty that have camped down in almost every household.

STATE REMEDY.

If we as a State "would check the general government in its usurpations" and compel a restoration of the rights of which we have been unconstitutionally deprived, we must restore that ancient landmark which existed in the history of this country for 81 years—from 1776 to 1857—and in pursuance of section 10, article 1, U. S. constitution, which declares the right of a State to make gold and silver coin a tender in the payment of debts, enact that all silver dollars, domestic and foreign, containing not less than 412 1-2 grains nine-tenths fine silver, and upon the present ratio of 16 ounces of silver to 1 ounce of gold, shall be a legal tender for the payment of debts, public and private, collectible within the State of Colorado.

The provisions of the constitution of the United States in respect to money are:

1. The grant to Congress of the two powers to coin money and regulate its value, and to regulate the value of foreign coins.
2. The provision that "no State shall make anything but gold and silver a tender in the payment of debts."

Albert Gallatin (in 1831), after quoting the restriction upon the States, says:

"As Congress has no authority to make anything whatever a tender in the payment of debts, it necessarily follows that nothing but gold and silver coin can be made a legal tender for that purpose."

Daniel Webster (speech in U. S. Senate December 21, 1836), presented the same view at large, as follows:

"Most unquestionably there is no legal tender, and there can be no legal tender in this country but gold and silver, either the coinage of our own mints or foreign coins, at ratios regulated by Congress. This is a constitutional principle, perfectly plain and of the highest importance. The States are expressly prohibited from making anything but gold and silver a tender in the payment of debts, and although no such prohibition is applied to Congress in express terms, yet Congress has no power granted to it in this respect but to coin money and regulate the value of foreign coins."

The legal tender, therefore, the constitutional standard of value, is established and cannot be overthrown. I am certainly of the opinion that gold and silver, at ratios fixed by Congress, constitute the legal standard of values in this country, and that neither Congress nor any State has authority to establish any other standard or to displace this."

The same general views were taken by the Supreme Court in *Ogden vs. Saunders* (12 Wheaton, 265) and the opinions of Justices Clifford and Field in the legal tender cases (12 Wallace).

"It is sufficient to say that the decision in these cases, recognizing the authority of congress to make the greenback legal tender, in no way affirms a right in Congress to take away the legal tender function from gold and silver coins, which have been money in this country from its first settlement, and which the States are, by the constitution of the United States, expressly authorized to make a tender in payment of debts." (Majority Monetary Commission report by Senator Jones and others, No. 703, 44 Cong. 2d session.)

By virtue of the English common law, gold and silver were money and lawful tender down to the time of the adoption of the federal constitution. In most of the States it had been by virtue of the com-

mon laws, and not by statute, that gold and silver coins were money and legal tender since the adoption of the constitution of the United States. In case of *McClain vs. Nesbitt* (Nott and McCord, vol. 2, page 519), the Supreme Court of the State of South Carolina (1820) say:

"The only legal tender in this State are gold and silver, and they are so by virtue of the common law."

In Jones Monetary Commission report, already quoted from, it says (House misc. docs., 1st session 49th Cong., 1885-86, vol. 23, page 182):

"The federal constitution does not command the States to make gold and silver coins a legal tender, such a command was quite unnecessary. Gold and silver coins were already a legal tender, and always have been so in this country by common law. But the constitution, by prohibiting the States from making anything else a legal tender, recognizes the authority of the States to enact and maintain the legal tender capacity of such coins."

In the legal tender cases, already cited, Clifford, J., says:

"Very strong doubts are entertained whether an act of Congress is absolutely necessary to constitute the gold and silver coins of the United States, fabricated and stamped as such by the proper executive officers of the mint, a legal tender in payment of debts. Constituted, as such coins are by the constitution, the standard of value, the better opinion would seem to be that they become legal tender for that purpose, if minted of the required weight and fineness."

And Field, J., in same case says:

"Money being a standard, its coins or prices are necessarily a legal tender. The provisions in the different coinage acts that the coins to be struck shall be such legal tender are merely declaratory of their effect when offered in payment, and are not essential to give them that character."

It is true the opinion of these judges upon another point in the legal tender cases was overruled by the full bench, but as Senator Jones, chairman of the Monetary Commission, says in his report, already cited, on page 184:

"These are the views of eminent jurists, and no authorities can be cited for any different views on this subject."

Colonel Benton (Thirty Years in the Senate, vol. 1, pages 444-445), says:

"It was the intention of the constitution that foreign coins should pass currently as money. This was the design of the States in conferring upon Congress the powers of regulating the value of these coins; and all the laws of Congress for preventing the circulation of foreign coins are so many breaches of the constitution. The only power the constitution has given to Congress over foreign coins is a power to regulate the value and to protect them from debasement by counterfeiters. It is certainly a most strange construction of that authority to prohibit their circulation."

Section 3584 of revised statutes of the United States provides: "No foreign gold or silver coins shall be a legal tender for the payment of debts."

It is not claimed that this statute was passed as a separate act, but it was a revision of the laws of the United States professing to collate all the different laws in relation to the same subject, and put them together so that it could be readily ascertained what the law was upon any particular matter. There is a reference in the margin to the law of February 21, 1857, and this section of the United States statutes was quoted by me in my Salida speech as the act of 1857, but the report of the Monetary Commission, on page 188, says: "This section is not a correct revision of the act of February 21, 1857, referred to in the margin, because that act contains no prohibition of

foreign coins as tender, and section 3584 of the revised statutes, declaring that foreign coins shall not be a legal tender, is clearly without any support in any constitutional power of Congress, and is therefore invalid."

But whether valid or invalid, the right of Congress in relation to legal tender in no manner affects the right of the States to make gold and silver coin a legal tender, because the right of Congress, which is an implied and not declared power, cannot take away from a State any constitutional right.

Says Kent's Commentaries, 1250, as to the means which Congress may use as necessary and proper to the execution of our expressed power:

"All the means fairly applicable to the attainment of the power, and not specifically precluded by specified exceptions."

Is not the clause of the constitution which says: "No State shall make anything but gold and silver coin a tender in payment of debts," an exception to the exclusive power of Congress?

Story's Com. on Constitution, 1245, says on same subject:

"Congress possesses all the means requisite and fairly applicable to the attainment of the end of the power, unless they are excepted in the constitution."

Chief Justice Marshall (*Bank vs. McCullough*, 4 Wheaton, 316), says:

"Congress possesses all the means, which are appropriate, which are plainly adapted to the end, which are not prohibited, but consist with the letter and spirit of the constitution."

There are several rights conceded to Congress by the States and not prohibited to the States, which the Supreme Court of the United States has declared still inhere in the States, which may lawfully exercise them, when they do not contravene the United

States statutes or conflict with the federal provisions. Among these are bankruptcy laws. But the right of a State to make foreign and domestic coins a legal tender has no such narrow foundation. It is a concurrent and independent right, declared to be in the States by the constitution itself, and may be exercised and be operative within the boundaries of the State entirely independent of any action of Congress.

Says the report of Monetary Commission, page 186:

"It can make no difference whether a proposed act of Congress contravenes an express prohibition imposed upon it, or whether the effect of the act is to defeat an express grant to the States. In either case the rule is equally applicable that no power can be obtained by Congress by implication inconsistent with the expressed provisions of the constitution. It therefore results that the implied power of Congress to give the legal tender function to paper under certain circumstances, can never be so extended as to divert the States of their expressly recognized right to make gold and silver coin a tender in payment of debts. The choice of means is never so narrowed that means cannot be found to execute the expressed will of Congress without overstepping expressed limitations."

The right to regulate the value of coin, domestic and foreign, was granted by the States to Congress simply to create uniformity, and was executed according to Webster and Benton, when the money unit was created. But the right of a State to fix the value of a coin made legal tender is a part of the right to make legal tender itself. A tender of money is unmeaning unless it includes a specification of value. The words "legal tender" imply an offer to the creditor of that which is made tender at a fixed valuation, which the creditor is compelled to take, or lose his claim. The design of legal tender is that it shall be a stable measure of value, and thus be a fair and permanent register of indebtedness.

But some man will say: The State has an undoubted right to make foreign and domestic coin a legal tender, but it is not good policy to do so.

Objection 1. "Mexican and South American dollars will be both plenty and cheap in Colorado."

Well, I hope so; it is only abundant money, and so diminished in purchasing power as to raise the price of labor and commodities, that can possibly help the people of Colorado.

Objection 2. "But gold, the American silver dollar and the greenback will leave the State."

Well, I think that is the case now. The trouble with us is, the prices of all staple products are below the cost of production; real estate has diminished to about one-third its value one year ago, but the value of credits are still at their face. It therefore takes three times the amount of property to pay a debt. To borrow money is only a temporary expedient. In some way money must be made so abundant that the people can earn or make some profit over a bare living, or their indebtedness can be paid only by foreclosures. Besides the Gresham law practically has always been a failure. John Sherman said in 1878 that the Bland law would drive all the gold out of the United States, but under that law the amount of gold coin in the United States was nearly quadrupled. We must choose between no money at all and an abundant currency.

Objection 3. "It will give us an exclusively silver standard."

I do not think so, but I would rather have a single silver standard than a single gold standard. I am not alone in this idea. Ex-Senator Hill of this city made that point in his speech at the silver convention in Chicago last August. The gold standard, which Senator Teller truly says is "upon us and is to result in industrial slavery, is for the benefit of the bankers and money loaners; the silver standard is for

the benefit of the debtor class, which composes the bulk of the people."

Objection 4. "But it makes a foreign dollar—a Mexican dollar, a dishonest dollar, a 57-cent dollar—legal tender.

Yes, it makes 371 1-4 grains fine silver in any dollar legal tender for 100 cents. It gives to Colorado, just so far as it is possible without congressional action, all the results of the free coinage of silver; it may not for all purposes put the Mexican dollar at par, because it will cost something to get our silver bullion to Mexico and some freight on the coin back to the State. It would, in my judgment, for all business purposes except banking, put the Mexican dollar at 90 cents, and give us plenty of money. Ninety cents on the dollar for the Mexican coin means about \$1.17 for silver bullion per ounce. Practically our silver mines are closed; at 70 cents per ounce for silver bullion there is no profit in mining, and in most cases absolute loss.

Now, what will be the result if we ever get the free coinage of silver? The free coinage of silver means this: That any owner of silver bullion can take 371 1-4 grains of fine silver to a mint and receive therefor an American standard dollar. What must be the practical effect of this transaction? It must put up the price of silver bullion all over the world to \$1.29 per ounce, less transportation to the United States mint. The "dishonest dollar" vanishes the moment silver bullion appreciates to its coin value; that is, 371 1-4 grains fine silver, or 412 1-2 grains nine-tenths fine silver, becomes worth one dollar. What, the despised Mexican dollar? Yes, "the despised Mexican dollar," just as good and a little better than the American dollar because it has slightly more fine silver. A thousand Mexican dollars could be taken to the United States mint under the free coinage of silver, and be converted, free of charge to the owner, into about 1,002 American standard dollars.

And yet the bankers and money loaners of this State are moving heaven and earth almost to prevent in Colorado the precise effect which must inevitably follow the free coinage of silver. How earnestly they pray to Cleveland and the magnates of Wall street, the only gods they worship, to grant them the free coinage of silver. They are like the Pharisee who prayed loudly at the corner of the streets to be heard of men. What solemn, reverential tones. Yes, "the voice is the voice of Jacob, but the hands are the hands of Esau."

Objection 5. "But it is dishonest to pay a debt in a dollar of less value than the dollar borrowed."

That is true, as a general proposition, but when for twenty years the value of the bond, mortgages, and all evidences of debt, both principal and interest, have been so increased that it requires more than double the amount of commodities to pay the debt, than would have satisfied it when contracted, how can this confessed evil be remedied in any other way?

We have had fair times till last June in Colorado. In spite of adverse national legislation, the prices of our staple agricultural products and the value of our real estate has been higher than in any of her sister States. Debts have been freely contracted upon what was supposed to be ample security, but in the financial crisis now upon us, all this security is liable to be swept away and leave heavy judgments against the unfortunate debtors. We are precisely in the condition of the American people in 1876, when the values of property were destroyed, and the creditor class was insisting upon their "pound of flesh."

John Sherman of Ohio delivered a speech at Marietta, in that State, August 12, 1876, which was published August 14, 1876, in the *Cincinnati Gazette*. The Senator then was a "poor but honest man," and had not gone over to the gold bugs.

He said: "I do not, fellow-citizens, enter fully upon the great question of the restoration of the old silver dollar, as the money of account, for it has not yet assumed a party aspect. I was a member of the conference committee of the two houses on the silver bill. Both houses were in favor of issuing the one dollar, the dollar of legal existence since 1792, containing 412 1-2 grains, and only demonetized in 1873, when it was worth two cents more than the gold dollar. * * * It was a legal standard of value as well as gold, always had been, and it was the right of any debtor to pay in silver dollars as well as gold dollars. It was his legal option. * * * And now, when all our domestic contracts have been based upon depreciated paper money, made a legal tender for all debts, public and private, except customs and interest on public debt, it would seem not only legal, but right in the broadest sense of the term, that we should avail ourselves of the rapid and remarkable fall of silver bullion, to recoin the old silver coins, and with them pay our depreciated notes, and thus restore the old coin standard."

This is precisely the policy I recommend. There can be no injustice in paying the creditor class in silver dollars of 371 1-4 grains fine silver at 100 cents.

THE CRISIS.

We stand upon the brink of industrial slavery—an era of falling prices, which has reduced in Colorado the value of commodities and real estate, to in many cases less than one-third the value one year ago. I commend to your attention the report of the Monetary Commission of 1876 upon the effects of shrinking money, and only quote one brief portion, because it is directly in line with your duties, and relates to remedies more or less in your power.

"The worst effect, however, economically considered, of falling prices, is not upon existing property, nor upon debtors, evil as it is, but upon laborers,

whom it deprives of employment and consigns to poverty, and upon society, which it deprives of that vast sum of wealth which resides potentially in the vigorous arms of the idle workman. A shrinking volume of money transfers existing property unjustly, and causes a concentration and diminution of wealth. It also impairs the value of existing property by eliminating from it that important element of value conferred upon it by the skill, energy and care of the debtors from whom it is wrested. But it does not destroy any existing property, while it does absolutely annihilate all the values producible by the labor which it condemns to idleness. The estimate is not an extravagant one that there are now in the United States three million persons willing to work, but who are idle because they cannot obtain employment. This vast poverty-stricken army is increasing, and will continue to increase so long as falling prices shall continue to separate money capital, the fund out of which wages is paid, from labor, and to discourage its investment in other forms of property."

Gentlemen of the Ninth General Assembly, I thank you for your attention to this somewhat lengthy message, but I could not well say less. Having endeavored to faithfully perform my duty as the chief executive of the State, matters are now in your hands to act as to you shall seem just to the people you represent.

DAVIS H. WAITE,
Governor of Colorado.

Denver, January 10, 1894.

When sitting was resumed again the report of the joint session was received, his excellency Governor Waite having delivered his message to the joint convention.

Senator Gunnell moved that the following named Senators be appointed as a special committee to con-

sider and report to the Senate on the governor's message:

Senators McKinley, Merritt, Lockwood, Israel, Felker, Boyd, Barela, McGovney and Johnson.

Senator Balsinger moved that the President of the Senate be empowered to appoint a committee to consider the governor's message, composed of nine members, and moved this as an amendment to the motion of Senator Gunnell.

The question being, "Shall the motion prevail to amend?" the yeas and nays were had with the following result:

Yeas—Senators Armstrong, Balsinger, Barela, Drake, Graham, Johnson, Mills, Pease, Pryor, Smith (Costilla), Steck, Wheeler—12.

Nays—Senators Adams, Boyd, Brown, Felker, Gunnell, Hartzell, Howes, Israel, King, Leddy, Lockwood, McGovney, McKinley, Merritt, Newman, Painter, Swink, Turner, Walters, Webber, White—21.

Absent—Senators Smith (Mesa), Timmons—2.

A constitutional majority not having voted in the affirmative, the motion did not prevail.

The question recurring upon the motion of Senator Gunnell, the yeas and nays were had with the following result:

Yeas—Senators Adams, Boyd, Brown, Felker, Gunnell, Hartzell, Howes, Israel, King, Leddy, Lockwood, McGovney, McKinley, Merritt, Newman, Painter, Swink, Turner, Walters, Webber, White—21.

Nays—Senators Armstrong, Balsinger, Barela, Drake, Graham, Johnson, Mills, Pease, Pryor, Smith (Costilla), Steck, Wheeler—12.

Absent—Senators Smith (Mesa), Timmons—2.

A constitutional majority having voted in the affirmative, the motion prevailed.

Senator Lockwood introduced a resolution in relation to the employes of the Senate, which was laid over for a day.

Senator Barela moved that the governor's message be referred to the Committee on Printing and 5,000 copies be ordered printed.

Senator Felker moved to lay the motion on the table.

The question being, "Shall the motion to table prevail?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Boyd, Brown, Felker, Gunnell, Hartzell, Howes, Israel, King, Leddy, Lockwood, McGovney, McKinley, Merritt, Newman, Painter, Pryor, Swink, Turner, Walters, White—21.

Nays—Senators Armstrong, Balsinger, Barela, Drake, Graham, Johnson, Mills, Pease, Smith (Costilla), Steck, Webber, Wheeler—12.

Absent—Senators Smith (Mesa), Timmons—2.

A constitutional majority having voted in the affirmative, the motion prevailed.

Senator McKinley moved that the Senate take a recess until to-morrow afternoon at 1:30 o'clock p. m.

Senator Balsinger moved that the Senate adjourn until to-morrow morning at 10 o'clock.

The amendment proposed by Senator Balsinger did not prevail.

The question recurring on the motion of Senator McKinley, the motion prevailed and the Senate adjourned until to-morrow afternoon at 1:30 o'clock.

SECOND DAY.

THURSDAY, JANUARY 11, 1894.

The Senate was called to order at 1:30 o'clock p. m.

Lieutenant Governor Nichols presiding.

Pray by the chaplain.

The roll was called and the following named Senators were present:

Senators Adams, Armstrong, Balsinger, Barela, Boyd, Brown, Drake, Felker, Graham, Gunnell, Hartzell, Howes, Israel, Johnson, King, Lockwood, McGovney, McKinley, Merritt, Mills, Newman, Painter, Pease, Pryor, Smith (Costilla), Steck, Turner, Walters, Webber, Wheeler, White—31.

Absent, Senators Leddy, Smith (Mesa), Swink and Timmons—4.

The journal of the previous day was read and approved.

Under the order of the presentation of petitions.

Senator Pease, of Park county, presented a petition from citizens of that county favoring legislative enactments in extra session.

Senators Armstrong and Drake presented similar petitions.

Senators Howes and Brown presented petitions asking for an immediate adjournment of the legislature.

All of the petitions were referred to the Committee on Labor.

Senator Boyd, chairman of the special committee appointed to consider the governor's message,

reported that a majority report was ready and asked permission for Senator McKinley to read the same.

Senator Barela stated that the minority report was not completed and asked an extension of time until to-morrow morning to present the same for the consideration of the Senate.

It was agreed to extend the time as requested and that the majority report be read and placed on file, but not to be considered until both reports could be considered together.

Senator McKinley read the majority report as follows:

State of Colorado,
Senate Chamber,
Denver, Colo., January 11, 1894.

Mr. President:

Your special committee, to which was referred the message of his excellency, the governor, has had the same under consideration, and begs leave to report:

Your committee recommends that said message be placed on file, and that the Senate adopt as part of its minutes and enter upon its journal, the accompanying reasons for refusing to enact any legislation at this session.

Your committee further recommends that if this report be adopted, a concurrent resolution be passed by the Senate, providing for the adjournment, sine die, of the General Assembly at some hour on Friday, January 12, 1894, that a copy of this report be transmitted to the House with said resolution of adjournment.

The members of the Senate of the General Assembly of the State of Colorado, convened in special session in pursuance of the call of his excellency, Davis H. Waite, issued on the 27th day of December, 1893, having duly considered the matters contained in said call, and in the message of his excellency, do declare as follows:

While it is within the constitutional power of the governor to exercise his individual opinion as to the existence of an "extraordinary occasion" in calling the members of the General Assembly together in special session, and to suggest such subjects of legislation as to him may seem appropriate to the emergency, it is, nevertheless, the function and duty of the members of that Assembly to determine upon their part whether such "extraordinary occasion" exists and whether the suggested legislation is appropriate and of such urgent character as to be adopted at a special session.

As members of the General Assembly we are as solemnly charged to faithfully perform the duties of our office as is the governor. In respect to legislation, all responsibility rests upon us and none upon the executive. However great, therefore, may be the respect due from us to the executive, and however much his recommendations may be entitled to honest and thoughtful consideration, we cannot relieve ourselves of responsibility to the State and to the people of the several localities we represent.

As members of a co-ordinate department of the government, exclusive within legislative functions, we owe that deference and respect to the opinions of the executive which his high and honorable office demands; but we are not justified in declining to exercise our own judgment upon those matters which must appeal to and be answered by us alone.

Whether an "extraordinary occasion" exists which necessitates action by us is a question of vast moment to the State. In answering it we should not be guided alone by the opinion of the executive, nor even by our own personal views. The existence of an "extraordinary occasion" is a question of fact and no surer evidence can be found than in the opinion of the people. Although our people have been compelled to meet unusual and trying conditions, we are satisfied that no considerable portion of them consider the situation so grave as to amount to an "ex-

traordinary occasion," so urgent in character as to necessitate a special session of the legislature to secure relief. And in this opinion of our constituents we concur.

We feel, however, that a due and proper respect for his excellency, the governor, requires a brief consideration of the reasons which he has assigned for calling us together, and of the specific items of legislation recommended.

The substantial ground stated is that by congressional legislation the price of silver bullion has been forced so low as to compel the bulk of the silver mines of the State to close down, thereby throwing out of employment a vast number, not only of miners, but of others also, whose business depended upon the working of the mines.

There can be no dissent from this as a true picture at the moment such legislation occurred, but however great the injury thus inflicted, our people have shown the power of self-reparation, and by a quick and ready appreciation of the variety of our resources, have directed their energies in new channels until so far as the mining interests are directly concerned, the condition promises by natural processes to soon become as satisfactory as in the past. There is, as we well know, more than the usual number of unemployed in the State, but in proportion to the population, we feel confident that we have far less than in any of the States lying to the east.

In the opening sentences of his message, he admits that the same "extraordinary" conditions exist in all the States as in Colorado, and calls upon the intelligence of every one in proof of the fact and in the support of his judgment of the imminence of the occasion. He says: "That such an occasion exists, not only in Colorado, but all over the United States, no man can truthfully deny." And yet, not a single governor of the other forty-three States has deemed the occasion of sufficient importance to even take the matter of convening the legislature under

official advisement. This fact in itself ought to have gone far towards satisfying the executive "conscience" that in adopting their line of action he would not lay himself open to the charge of "violating his oath of office."

We must fairly admit that the unusual conditions now prevailing in Colorado are common to every State in the Union, but we assert that save for the depression of silver mining, we have fewer reasons for complaint and foreboding than most of our sister States. The buoyancy of our climate has sustained the hope and confidence of our people and the mild winter has served to ward off suffering and distress. In view of our comparatively favored condition and the determination of our people to work a speedy end to the present difficulty, it would be a matter of future regret, and would justly subject us to reproach and censure, should we declare to the world that in Colorado alone, local pride and ambition have so declined that she could not bear a common calamity with the fortitude shown by all the other States.

Although we are clearly of the opinion that no "extraordinary occasion" exists, we have nevertheless given the recommendations of his excellency the most careful consideration. To meet the unusual conditions set forth in his call and message, forty-seven specific items of legislation are proposed. This vast number, many of them experimental and therefore difficult to frame, would necessarily engage us for the full period of an ordinary session. No single one of them has been designated as of controlling importance. We are, therefore, left to classify the recommendations as they seem, or do not seem, to be responsive to the specific evils relied upon as evidence of an "extraordinary occasion."

The most direct measure of relief suggested is that we should "restore the ancient land-mark which existed in the history of this country for eighty-one years, from 1776 to 1857, and in pursuance of section

10, article I, United States Constitution, provide that all silver dollars, domestic and foreign, containing not less than 371 1-4 grains fine silver, or not less than 412 1-2 grains 9-10 fine silver, and upon the present ratio of sixteen ounces of silver to one ounce of gold, shall be a legal tender for the payment of all debts, public and private, collectible within the State of Colorado."

While we deplore the adverse legislation of Congress in refusing to coin silver equally with gold at the present ratio, we are compelled to recognize the sovereign authority of the federal government in respect to coinage and legal tender. To compel the acceptance of domestic or foreign silver dollars in payment of debts, when not required by the federal statutes, would be a violation of contracts, revolutionary in character, and in practice destructive of the interests sought to be conserved.

We must, as loyal citizens of the Federal Union, bound by our interests and our oaths to its integrity and perpetuity, repudiate such suggested legislation as being in any sense expressive of our views or of the views of the people of Colorado. Its contravention of relative functions of the State and federal government, as established by the Constitution of the United States, must preclude a consideration of the evils that would follow, were such legislation possible.

The next class of laws proposed are those which suggest alleviation to the debtor, but which, by his excellency's restriction, are to be made applicable only to the future.

To this class we have assigned the second, twentieth, twenty-first and twenty-second recommendations relating to obligations, attachment laws, real estate trust deeds and chattel mortgages.

They afford no aid to those now in distress, and would be of value only when confidence and prosperity have been so far restored as to enable new obligations to be made. The regular session of the

General Assembly, which will convene within a year, will be in apt time to furnish effective legislation along the lines suggested. We may add that as to the twenty-first and twenty-second recommendations, His Excellency has so limited the form of the proposed bills that they could not become laws without inflicting an additional burden upon the debtor which the humane character of the act does not require. The expense of foreclosure in court, which in case of redemption must be borne by the debtor, is always great. The period of redemption should be attached to an ordinary trustee's sale, instead of foreclosure in courts of equity.

The third class includes those proposed laws that by a system of public improvements seek to afford labor to the unemployed and to increase the circulating medium by the addition of certificates issued in small denominations for labor and supplies.

The most important measure under this head, inasmuch as it suggests immediate work on an extensive scale, is that relating to State Canal No. 1.

It is not too harsh to say of this that the manner in which the recommendation is made is a clear invasion of legislative function. No bill could legally be passed which did not conform to the details prescribed in the call. Instead of suggesting amendments to the law relating to State Canal No. 1, leaving the details for consideration in his message, he makes the details a part of his call and thereby compels us to approve his draft of the bill or abandon the subject.

The times, the manner and the circumstances of issuing from one million to fifteen hundred thousand dollars of State certificates is a matter of considerable importance concerning which opinions differ. It should have been left to the legislature as the only department of the government authorized to prescribe the details of legislation.

Aside from the interdiction which his excellency has imposed upon us, against passing such a law as we think proper, is the graver question as to whether the enterprise is a practical one. No undertaking of the magnitude of this would be considered by private parties until a thorough investigation had been made of the probable water supply, the cost of construction, the amount of land that could certainly be brought under irrigation, and the amount that each acre could bear as a charge for water and for maintenance. No ordinarily cautious man would think of undertaking such an enterprise with the meagre information that we have at hand. We understand that a large part of the land lying under the proposed canal is owned by private parties, and we may confidently say that aside from that owned by the State, the balance would soon be taken up. Already we have had many examples of land sold by speculators to honest settlers, who relied upon the ability of the ditch covering the land to furnish the requisite supply, where it was found that the capacity of the ditch was overestimated and but a part of the expected supply was forthcoming.

It was precisely this difficulty that caused his excellency to recommend the seventeenth item of legislation. (Relating to water rents.) The subject matter of this item of proposed legislation is certainly neither new, nor extraordinary.

As to the certificates in this and the other like public improvements suggested, they would immediately become subject to discount. The restricted means of their redemption would at once force them into the hands of speculators. The laborer would lose his just wage and the State would lose its internal improvement lands.

Suppose for a moment that the State accepts such certificates for its lands—how is it to get value for the certificates?

There is but one method of redemption suggested and that is their use in payment for water car-

riage. What information we have on the subject leads us to believe that the amount of land reclaimable by the proposed ditch will be so small that it cannot stand a charge per acre in the proportion that the number of acres reclaimed will bear to the total cost of the ditch. Such a condition will necessarily force the certificates to a large discount. If such certificates are to become a general State indebtedness, then it becomes important to know to what extent, lest we exceed the constitutional limitation. It seems to us that with the scant information we have and the limitations set to any act we may adopt by the call of his excellency, that nothing can now be done with this item of the call.

But, furthermore, our Supreme Court has expressly decided (in respect to this identical canal, and passing upon the provisions of the act passed by us at the last regular session), as follows:

"We therefore agree, * * * that the act under consideration is unconstitutional and void in so far as it authorizes the State to accept the certificates issued in payment of State lands."

See in re Canal Certificates, 34 Pac. Rep., p. 274.

The season will be so far advanced before any canal law is passed at this time could become operative, that much idle labor will then be employed as is usual as spring comes on.

The fifth, seventh, eighth and ninth recommendations, relating to State Canal No. 2, municipal bonds, etc., have the same general features as the foregoing. And it may be said in passing that we thoroughly disagree with the governor's recommendations regarding certificates instead of municipal and county bonds. The present laws, throwing safeguards about the amount of county indebtedness and the manner of incurring the same, are the result of careful legislation, designed in the main part to check extravagance and recklessness theretofore obtaining in county affairs, under which Lake, Ouray and other counties contracted indebtedness wholly disproportion-

ate to the property of such counties, and many county warrants were, as a result, wholly illegal. In the case of municipalities, bonds frequently provide the only source of provision for necessary public improvements.

The seventh and eighth subjects specified in the call and recommended for legislation, involves a complete overturning of the settled policy of all modern legislation on the subject of making permanent public improvements and providing means of payment therefor. All such improvements must be paid for by taxation, and to the end that taxation may be reduced, it has been the study of all honest and faithful public servants how to secure the most and best work with the least expenditure of public moneys. Experience has proven the necessity of adopting the contract system. Letting contracts to the lowest responsible bidder has become the almost universal practice, and in most states, it is made obligatory by statute. We are now advised to go back to that old system, honey-combed with fraud, deceit and dishonesty, and place our public works in the hands of dishonest officials; or if not dishonest to start with, bound to a system which holds out temptation and offers a premium for rascality, and never yet failed to turn out scoundrels to order.

The wildest feature of this scheme is the dishonest financial policy connected with it. Instead of paying cash for the labor and material put into construction, it is to be paid for in irredeemable scrip or certificates. The only excuse or reason assigned for launching this financial scheme upon a credulous world is to keep the present generation from "unjustly imposing grievous burdens upon posterity."

Expensive and costly public works can only be built through bonded indebtedness. They are built for the future as well as the present, and the future generations should pay their share of the cost. Through bonded indebtedness, at a low rate of interest on long time, the present generation is furnished

labor on public works at remunerative wages, and we are not disposed to change the relation or destroy the opportunity.

Under the next head are the sixth and thirty-second recommendations, the latter including fifteen bills introduced into the House during the late regular session. They substantially all provide for local improvements at the expense of the State. Of these measures, as of all measures calling for appropriations, it is only necessary to refer to the condition of the limited funds in the treasury available for such improvements, said funds being now invested in State warrants as authorized and provided by law, and which warrants at this time, owing to the money stringency, are not convertible into cash, but are wholly unsaleable, and there is no prospect of any change for more than a year to come. Therefore, while it may be desirable to aid and assist those needing employment by providing internal improvements, any legislation at this time would be useless and a waste of time.

The remaining recommendations in the call belong to ordinary legislation, and should be attended to at the ensuing regular session. We are reminded in this connection that the Supreme Court of Nevada, in 3 Nevada, 211, has said "that it is only upon extraordinary occasions that a special session is authorized to be called, and such being the case, it is fair to presume that it was the intention to allow none but urgent business, and such as would admit of no delay, to be transacted at such a session; that ordinary legislative business should not be transacted at a session which can properly be convened only upon some extraordinary occasion or when some great emergency makes it necessary."

As to the recommendation that we provide that appropriations be made to meet the expenses of this special session, and if there are no funds available for such purpose, that we provide for the payment of the same by increased taxation, we beg to say that if

increased taxation were possible, it affords an unsatisfactory method of reducing the burdens of which we now complain. We are compelled to reject the recommendation, because the constitutional limit of taxation has already been reached, and because it is not our intention to claim compensation for our attendance during the special session.

We have given all the foregoing matters long and serious consideration. They furnished subjects for discussion while we were at home among our constituents. Our conclusion, based upon individual judgment and the opinions of those whom we represent, is that an extraordinary occasion, requiring a special session of the General Assembly, does not exist, and that the recommendations of his excellency, so far as they have merit, are more than counterbalanced by the evils that would follow any action at this time.

Our recent adverse conditions have only served to incite us to a fuller investigation of the resources of Colorado. We are amazed by our great natural wealth. With the best coal of all kinds west of the Alleghanies, with immense deposits of iron in close proximity, with all the other accessories to their commercial use, with a growing demand for iron products, we may soon realize that our losses in one direction but serve to produce compensating benefits in another. Add to this our oil, asphaltum and natural gas, our rapidly developing farming and horticultural interests, our growing manufacturing industries, and we should find abundant reason to be elated rather than depressed. Once more we have returned to the gold fields that for many years were abandoned, and the steadily increasing production of gold reminds us of the facility with which our people adapt themselves to new conditions and wrest victory from apparent defeat.

The evidences of early and speedy recovery from the late financial depression are more manifest in Colorado than elsewhere. In this trying period, it

needs true, loyal and valiant hearts; it needs men and women by whom troubles are met with cheerfulness and courage. He who is confident in his own strength must succeed. He who loses faith in himself and his State must fail. It is to the former we appeal for a vindication of our course.

David Boyd,
Chairman.

A. B. McKinley.

W. B. Felker.

J. A. Israel.

E. W. Merritt.

A. A. McGovney.

Fred Lockwood.

The following resolution, introduced by Senator Lockwood on the previous day, was amended to include the chaplain and janitor of the cloak room and read as follows:

Whereas, There has been some doubt expressed as to whether the officers and employes of the Senate in regular session of the Ninth General Assembly still retain their positions in this special session; therefore be it

Resolved, That the services of such officers and employes, excepting secretary, assistant secretary, sergeant-at-arms, doorkeeper, janitor of cloak room, chaplain and night watchman, are not required, and in the interest of economy are hereby dispensed with.

Senator Barela moved that the consideration of the resolution be postponed until to-morrow at 11 o'clock a. m.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Balsinger, Barela, Graham, Howes, Johnson, Mills, Pease, Smith (Costilla), Steck, Wheeler—12.

Nays—Senators Boyd, Brown, Drake, Felker, Gunnell, Hartzell, Israel, King, Leddy, Lockwood, Mc-

Govney, McKinley, Merritt, Newman, Painter, Pryor, Swink, Turner, Walters, Webber, White—21.

Absent—Senators F. W. Smith (Mesa), Timmons—2.

A constitutional majority not having voted in the affirmative, the motion was not agreed to.

The resolution was adopted.

Senator Merritt introduced S. C. R. No. 2,

In relation to an adjournment sine die at noon to-morrow.

The resolution was laid over under the rules.

The Senate adjourned until to-morrow morning at 10 o'clock.

THIRD DAY.

FRIDAY, JANUARY 12, 1894.

The Senate was called to order at 10 o'clock.

President pro tem. Senator Barela presiding.

Prayer by the chaplain.

Quorum present.

The journal of the previous day was read and approved.

Under the order of reports of special committees Senator Johnson presented the minority report of the special committee to which had been referred the governor's message and read the same as follows:

The constitution of the State says: "The governor may on extraordinary occasions convene the General Assembly by proclamation, stating therein the purpose for which it shall assemble, but at such special session no business shall be transacted except that specially named in the proclamation."

The constitution gives the power to convene the legislature to the governor, and no person or corporation or other branch of the State government has a right to usurp the proper function of the executive in this respect. The responsibility is upon him and can be upon no one else.

There is no doubt that the members of the General Assembly are as solemnly charged to faithfully perform their duties as is the governor; but in respect to legislation a joint responsibility rests upon the executive and the General Assembly. More especially in the present special session, when no business can be transacted other than that specially named in the proclamation, but this legislation, if any shall be enacted, is subject to the approval or veto of the governor, which veto is equal to a two-thirds vote of the members of both houses. We dissent from the opinion expressed in the majority report that "in respect to legislation all responsibility rests upon us, and none upon the executive."

As to whether a majority of the people of the State believe or do not believe that the present is an "extraordinary occasion," which warrants the governor calling a special session, is a matter of opinion, about which honest men may differ, and which could be determined in no other way than by a submission of the matter to a vote of the people. But the constitution has made no such provision to determine the matter. Judging by the petition received by both branches of the legislature, the people of the State favor the special session by a large majority.

The fact that the State of Colorado has great natural resources and powers of recuperation, and can develop other resources besides her silver mines, is no argument against the existence of an extraordinary occasion, which the majority report admits to have destroyed the chief industry of the State, and which has been the cause in the past of the development of the very resources referred to in the majority report.

The admission that there are many unemployed men in the State is in no wise remedied by the statement, though it be true, that workmen are much worse off in other States than they are in Colorado. We have indeed "a very buoyant climate and a mild winter," but the main reason for that is that in those respects we are out of the reach of monopolies.

The fact that the executive in his proclamation has named a large number of subjects for legislation is no objection to the special session. We need only consider those which we deem of sufficient importance to demand our attention.

We dissent particularly to the majority report as to the second, twentieth, twenty-first and twenty-second recommendations in the proclamation. These numbers refer to attachments and trust deeds, and the statement that if adopted by this legislature they would be of no value till confidence and prosperity has been so far restored as to enable new obligations to be made, is illogical in the extreme. What does the majority report mean by the statement that amendments to these infamous laws would be of no value until confidence and prosperity has been so far restored as to enable new obligations to be made? Is it not an "extraordinary occasion" when there is so little confidence and prosperity that new obligations cannot be made? Are the people have no protection on contracts till prosperity and confidence has been restored? In the meantime are they to be robbed with impunity? Confidence can be restored only when the laws protect the debtor from such heartless extortions as have marked the history of the State under the present infamous statutes relating to attachment and trust deeds. Nothing has so injured the credit of our business men in the eastern markets as the fact that our laws afford to eastern wholesale dealers no protection from attachments and forced sales.

The costs of foreclosure of chattel mortgages and trust deeds are entirely in the discretion of the Gen-

eral Assembly. The costs of foreclosure, raised in the majority report, is nothing as compared with taking away entirely the equity of redemption. Within the past month real estate has been closed out on trust deed sales all over the State at one-fourth the actual value of the property. And yet the majority report brings up the point about cost of redemption.

In regard to canal No. 1 the majority report says: "It is not too harsh to say of this that the manner in which the recommendation is made is a clear invasion of legislative functions. No bill could be legally passed which did not conform to the details prescribed in the call. Instead of suggesting amendments to the law relating to State canal No. 1, leaving the details for consideration in his message, he makes the details a part of his call, and thereby compels us to approve his draft of the bill or abandon the subject." The constitution requires the business to be transacted by the General Assembly to be specially named in the proclamation. This requires some particularity; but instead of prescribing any form of bill as to detail, the governor in his call closes his recommendation as to State canal No. 1 as follows: "And to amend the present law, or to enact such new laws as in the judgment of the General Assembly shall be necessary to carry out these recommendations, insure proper record, promote the general welfare and protect the State against loss."

In the opinion of the minority of this committee everything possible in relation to State canal No. 1 is left with the General Assembly. All matters of detail specially mentioned in the proclamation are within the discretion of the Assembly.

The seventeenth item recommended as to irrigation canals is of the utmost importance and demands legislation to protect our ranchmen from the extortion of monopoly.

As to the Twin Lakes reservoir and certain local improvements, if built, they are to be constructed

from the internal improvement fund. These are the things for which the fund was created, and we are informed that there is now in that fund nearly \$50,000, and the amount is constantly increasing.

The majority report omits entirely all reference to the twenty-ninth recommendation, in relation to amending the election laws. This matter alone is sufficient to create an "extraordinary occasion," and demands a special session. Nearly double the number of voters will be entitled to vote at the next general election than have heretofore voted in the State. Under the technical provisions of the present law many of the women will have no opportunity to vote.

The statement of the members of the majority report to the effect that "it is not their intention to claim compensation for attendance during the special session" is another admission of the extraordinary occasion which warranted the governor in issuing his proclamation. And in view of the financial distress so generally prevalent we heartily concur in this proposition and request the members of the General Assembly to continue in session without expense to the State for the time necessary to pass upon the measures proposed to promote the general welfare.

In case this General Assembly shall conclude, contrary to what we consider the will of the people, to adjourn without any action to relieve the people of the State, as recommended by the majority report, we demand of the governor of the State that he, at once, before the members shall have dispersed, call another special session of the Ninth General Assembly for the following purposes:

1. To amend the attachment and trust deed laws of the State.
2. To reduce the interest and penalties on lands sold for delinquent taxes.
3. To amend the law relating to State canal No. 1.

4. To amend the Australian ballot law.

And also, we consider this recommendation most solemn and serious, to pass a law reducing the salaries of all State, city and county officers, from governor down to the most minor officers, to correspond with the reduced value of real estate, wages and commodities.

Respectfully submitted by

Casimiro Barela.
Jas. G. Johnson.

Senator Drake was called to the chair.

Senator Boyd moved that the Senate take up the report of the majority of the committee and adopt the same.

Senator Barela moved as an amendment that the minority report be adopted as a substitute for the majority report.

Pending action on the reports the following message was received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., January 12, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives has passed H. C. R. No. 2, and asks the concurrence of your honorable body therein.

The resolution is herewith respectfully transmitted.

John R. Wallingford,
Chief Clerk.

Senator Johnson moved that a recess be taken until 2 o'clock p. m.

Senator Gunnell moved to lay the motion on the table.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Balsinger, Brown, Felker, Gunnell, Hartzell, Howes, Israel, King, Leddy, Lockwood, McGovney, McKinley, Merritt, Newman, Painter, Pryor, Swink, Turner, Walters, Webber, White—22.

Nays—Senators Armstrong, Barela, Boyd, Drake, Graham, Johnson, Mills, Pease, Smith (Costilla), Steck, Wheeler—11.

Absent—Senators Smith (Mesa), Timmons—2.

A constitutional majority having voted in the affirmative the motion was agreed to.

The discussion of the adoption of the minority report was continued.

Senator Pease moved that as a substitute for all motions, that both reports be referred to the Committee on Judiciary.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Armstrong, Balsinger, Barela, Drake, Graham, Johnson, Mills, Pease, Smith (Costilla), Steck, Wheeler—11.

Nays—Senators Adams, Boyd, Brown, Felker, Gunnell, Hartzell, Howes, Israel, King, Leddy, Lockwood, McGovney, McKinley, Merritt, Newman, Painter, Pryor, Swink, Turner, Walters, Webber, White—22.

Absent—Senators Smith (Mesa) and Timmons—2.

A constitutional majority not having voted in the affirmative the motion was not agreed to.

Senator Wheeler moved that the Senate take a recess until 2 o'clock p. m.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Armstrong, Balsinger, Barela, Drake, Graham, Johnson, Mills, Pease, Pryor, Smith (Costilla), Wheeler—11.

Nays—Senators Adams, Boyd, Brown, Felker, Hartzell, Howes, Israel, King, Leddy, Lockwood, McGovney, McKinley, Merritt, Newman, Painter, Swink, Turner, Walters, Webber, White—20.

Absent—Senators Gunnell, Smith (Mesa), Steck, Timmons—4.

A constitutional majority not having voted in the affirmative the motion did not prevail.

Senator Johnson moved as a substitute for all motions that the reports be referred to the Printing Committee to be printed and then be referred to the committee of the whole for consideration.

Senator Hartzell raised a point of order and referred to rule 6, that the limit of debate had been reached as the voting had been commenced on the adoption of the report and no motion could intervene.

The President pro tem. decided the point of order well taken.

The question recurring upon the adoption of the motion to adopt the minority report, at the request of Senators Balsinger and Drake, it was agreed unanimously to eliminate that portion relating to the calling of a succeeding extra session.

The question being, "Shall the minority report be adopted?" the yeas and nays were had with the following result:

Yeas—Senators Armstrong, Balsinger, Barela, Drake, Graham, Johnson, Mills, Pease, Pryor, Smith (Costilla), Steck, Wheeler—12.

Nays—Senators Adams, Boyd, Brown, Felker, Gunnell, Hartzell, Israel, King, Leddy, Lockwood, McGovney, McKinley, Merritt, Newman, Painter, Swink, Turner, Walters, Webber, White—20.

Absent—Senators Howes, F. W. Smith and Timmons—3.

A constitutional majority not having voted in the affirmative the report was not adopted.

The question being, "Shall the majority report be adopted?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Barela, Boyd, Brown, Felker, Gunnell, Hartzell, Israel, King, Leddy, Lockwood, McGovney, McKinley, Merritt, Newman, Painter, Swink, Turner, Walters, Webber, White—21.

Nays—Senators Armstrong, Balsinger, Drake, Graham, Johnson, Mills, Painter, Pease, Pryor, Smith (Costilla), Steck, Wheeler—11.

Absent, excused and not voting—Senators Howes, F. W. Smith and Timmons—3.

A constitutional majority, being two-thirds of all the Senators elected, having voted in the affirmative, the report was adopted.

Senator Barela gave notice that he had voted aye for the purpose of moving a reconsideration and gave the notice accordingly.

Senator Felker moved a reconsideration of the vote whereby the majority report was adopted.

Senator Johnson moved that the Senate adjourn until 4 o'clock p. m.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Armstrong, Balsinger, Barela, Drake, Graham, Johnson, Mills, Smith (Costilla), Steck, Wheeler—10.

Nays—Senators Adams, Boyd, Brown, Felker, Gunnell, Hartzell, Howes, Israel, King, Leddy, Lockwood, McGovney, McKinley, Merritt, Newman, Painter, Pease, Pryor, Swink, Turner, Walters, Webber, White—23.

Absent—Senators F. W. Smith and Timmons—2.

A constitutional majority not having voted in the affirmative the motion did not prevail.

Senator Balsinger moved the Senate take a recess until 4:30 p. m.

The motion did not prevail.

Senator Hartzell moved to lay the motion to reconsider on the table.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Boyd, Brown, Felker, Gunnell, Hartzell, Howes, Israel, King, Leddy, Lockwood, McGovney, McKinley, Merritt, Newman, Painter, Swink, Turner, Walters, Webber, White—21.

Nays—Senators Armstrong, Balsinger, Barela, Drake, Graham, Johnson, Mills, Pease, Smith (Costilla), Steck, Wheeler—11.

Absent—Senators Pryor, F. W. Smith and Timmons—3.

A constitutional majority having voted in the affirmative the motion was agreed to.

Senators Gunnell and Wheeler were given unanimous consent to be excused until Monday, announcing they had agreed to pair on voting.

Senator Howes was also excused until Monday next.

S. C. R. No. 2,

Relating to an adjournment sine die,

Was taken up and read.

Senator Merritt obtained unanimous consent to change the time mentioned in the resolution from 12 o'clock m. to 6 o'clock p. m.

Senator Merritt moved the adoption of the resolution.

Senator Balsinger moved to strike out the words "do adjourn" and insert in lieu thereof the words "now ready to adjourn."

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Armstrong, Balsinger, Barela, Drake, Graham, Johnson, Mills, Pease, Pryor, Smith (Costilla), Steck, Wheeler—12.

Nays—Senators Adams, Boyd, Brown, Felker, Gunnell, Hartzell, Howes, Israel, King, Leddy, Lockwood, McGovney, McKinley, Merritt, Newman Painter, Swink, Turner, Walters, Webber, White—21.

Absent—Senators F. W. Smith (Mesa), Timmons—2.

A constitutional majority not having voted in the affirmative, the motion did not prevail.

Senator Balsinger moved that further consideration of the matter be postponed until 6 o'clock p. m.

Senator White raised a point of order that under a former ruling of the chair the voting had begun and no amendment or other motion could be entertained.

The president ruled the point not well taken.

Senator White appealed from the decision of the chair.

The question being, "Shall the decision of the chair be sustained?" the yeas and nays were had with the following result:

Yeas—Senators Armstrong, Balsinger, Drake, Graham, Johnson, Pease, Pryor, Smith (Costilla), Wheeler—9.

Nays—Senators Adams, Boyd, Brown, Felker, Gunnell, Hartzell, Howes, Israel, King, Leddy, Lockwood, McGovney, McKinley, Merritt, Newman, Painter, Steck, Swink, Turner, Walters, Webber, White—22.

Absent and not voting—Senators Barela, Mills, F. W. Smith and Timmons—4.

A constitutional majority not having voted in the affirmative the President pro tem. was not sustained in his ruling.

The question being, "Shall S. C. R. No. 2 pass?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Boyd, Brown, Felker, Gunnell, Hartzell, Howes, Israel, King, Leddy, Lockwood, McGovney, McKinley, Merritt, Newman, Painter, Steck, Swink, Turner, Walters, Webber, White—22.

Nays—Senators Armstrong, Balsinger, Barela, Drake, Graham, Johnson, Mills, Pease, Pryor, Smith (Costilla), Wheeler—11.

Absent—Senators F. W. Smith and Timmons—2.

A constitutional majority having voted in the affirmative the resolution was passed.

On motion of Senator Felker a recess was taken until 5:55.

AFTERNOON SESSION.

The Senate resumed its sitting at 5:55.

Senator Pryor was excused from attendance until Monday next.

On motion of Senator McKinley the Senate adjourned until to-morrow morning at 10 o'clock.

FOURTH DAY.

SATURDAY, JANUARY 13, 1894.

The Senate was called to order at 10 o'clock a. m.

Senator Barela presiding.

Quorum present.

Prayer by the chaplain.

The journal of the previous day was read and approved.

Senator Hartzell called up H. C. R. No. 2,

Relative to the matter of legality of foreign coins, etc.

Senator Felker moved the adoption of the resolution.

The question being, "Shall the resolution be adopted?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Boyd, Brown, Drake Felker, Graham, Hartzell, Israel, Johnson, King, Leddy, Lockwood, McGovney, McKinley, Merritt, Newman, Painter, Swink, Turner, Webber—20.

Nays—Senators Armstrong, Mills, Smith (Costilla), Steck, President pro tem.—5.

Absent, excused and not voting—Senators Balsinger, Gunnell, Howes, Pease, Pryor, Smith (Mesa), Timmons, Walters, Wheeler, White—10.

A constitutional majority having voted in the affirmative, the resolution was adopted.

On motion of Senator McKinley a recess was taken until 2 o'clock p. m.

AFTERNOON SESSION.

The Senate resumed its session at 2 o'clock p. m.

Senator Boyd presented the following resolution and moved its adoption:

Resolved, That the President appoint a committee of three to investigate concerning and report to the Tenth General Assembly upon certain alleged in-

accuracies, omissions or alterations in the publication of the laws enacted by the Ninth General Assembly.

David Boyd.

The resolution was adopted.

The President named as such committee Senators Hartzell, Barela and Turner.

Senator Felker introduced the following resolution and moved its adoption:

Resolved, That a committee, consisting of Senators David Boyd, G. W. Swink and James G. Johnson, be and is hereby appointed to investigate the feasibility of the construction and completion by the State of Colorado of State canal No. 1, with reference to the amount of money already expended in its construction by the State, the amount of money required for its completion, the amount of water now unappropriated in the Arkansas river which can be appropriated and used in said canal upon its completion, together with the amount already appropriated of the waters of said river, the necessity of constructing reservoirs and the cost thereof and the points for their construction for the storing of waters to be used in said canal, the number of acres belonging to the State and also to private individuals under the line of said canal, the cost of its maintenance and the probable net income to be derived by the State from said canal after its completion, together with all facts connected with the feasibility and advisability of completing said canal in the interests of the State, and report the same to the Senate of the Tenth General Assembly of the State of Colorado.

The resolution was adopted.

Senator Barela introduced S. C. R. No. 3,

Relative to the Wilson bill in congress declaring against "free" wool.

The resolution was read.

Senator Barela moved that the rules be suspended and the resolution be adopted.

It was not agreed to suspend the rules.

Senator Lockwood rose to a question of personal privilege and called attention to certain editorial utterances published in the daily Populist of Denver, reflecting on several Senators.

Senator Hartzell arose to a question of personal privilege also, and spoke to the same subject, stating that the paper had attempted to falsify Senators, and that there was some question as to whether such utterances should be passed by unnoticed.

Senator Barela also arose to a question of personal privilege and referred to the same matter of being attacked by the press; also expressed it as being unwise in the Senate in not agreeing to suspend the rules to consider S. C. R. No. 3.

It was agreed to take a recess until 6 o'clock, awaiting action on the part of the House for an adjournment sine die.

When the Senate resumed its sitting Senator Barela called up S. C. R. No. 3 for consideration, to which unanimous consent was given.

Senator Newman moved that the resolution be amended by pluralizing the word "industry" and to include "lead" in the subject.

Senator Felker introduced a resolution and moved that it be adopted as a substitute, which was a declaration against the entirety of the Wilson bill.

Pending discussion the Senate adjourned until Monday afternoon at 2 o'clock, Senator White being excused from attendance until Tuesday next.

SIXTH DAY.

MONDAY, JANUARY 15, 1894.

The Senate was called to order at 2 o'clock p. m.
Lieutenant Governor Nichols presiding.

Prayer by the chaplain.

Quorum present.

The journal of the previous day was read and approved.

The following message was received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., January 13, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives has indefinitely postponed S. C. R. No. 2, fixing hour for final adjournment of the General Assembly.

The concurrent resolution is herewith respectfully transmitted.

John R. Wallingford,
Chief Clerk.

Senator McKinley moved that the Senate adjourn until Wednesday afternoon at 2 o'clock p. m.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Boyd, Brown, Felker, Gunnell, Hartzell, Howes, Israel, King, Leddy, McKinley, Merritt, Newman, Painter, Swink, Turner, Walters, Weber—17.

Nays—Senators Armstrong, Drake, Graham, Johnson, Smith (Costilla), Steck—6.

Absent, excused and not voting—Senators Adams, Balsinger, Barela, Lockwood, McGovney, Mills, Pease, Pryor, Smith (Mesa), Timmons, Wheeler and White—12.

A constitutional majority having voted in the affirmative the motion prevailed and the Senate adjourned until Wednesday, January 17, at 2 o'clock p. m.

EIGHTH DAY.

WEDNESDAY, JANUARY 17, 1894.

The Senate was called to order at 2 o'clock p. m.

Lieutenant Governor Nichols presiding.

Prayer by the chaplain.

Quorum present.

The journal of the previous day was read and approved.

Unanimous consent was accorded Senator McKinley to introduce the following concurrent resolution, which was read:

Senate concurrent resolution No. 4, by Senator McKinley.

Whereas, The Senate has heretofore expressed its sense that no extraordinary occasion under the Constitution now exists, requiring the assembling of the legislature, and that no legislation should be enacted for the reason that the laws proposed in the call of the executive are unwise at this juncture in the affairs of Colorado and will not relieve the people of the State from a business depression which is common to the whole civilized world; and,

Whereas, The House of Representatives has refused to concur in the judgment of the Senate, and has failed to pass the Senate's concurrent resolution for a sine die adjournment, but on the contrary is proceeding with legislation; and,

Whereas, It is highly desirable that some concurrence of opinion and action on the part of both Senate and House be reached to the end that this extraordinary session may be terminated as soon as possible and with the least expense to the State; therefore be it

Resolved by the Senate, the House of Representatives concurring, that a committee of conference between the Senate and House be appointed, consisting of three members of the Senate and four members of the House, to consider the present situation of the General Assembly, and ascertain and report to the Senate and House whether or not it is possible to reconcile differences in opinion and action now existing between the Senate and House; and,

Resolved further, That Senators Israel, McGovney and Turner constitute such committee of conference on the part of the Senate.

Senator McKinley moved the adoption of the resolution.

Senator Barela moved that the resolution be amended to increase the membership to eight in the House and five in the Senate and that the President of the Senate appoint the additional members to the Senate committee.

The question being, "Shall the motion prevail to amend?" the yeas and nays were had with the following result:

Yeas—Senators Armstrong, Balsinger, Barela, Graham, Johnson, Mills, Smith (Costilla), Steck, Wheeler—9.

Nays—Senators Adams, Boyd, Brown, Felker, Gunnell, Hartzell, Israel, King, Leddy, Lockwood,

McGovney, McKinley, Merritt, Painter, Swink, Turner, Webber, White—18.

Absent, excused and not voting—Senators Drake, Howes, Newman, Pease, Pryor, Smith (Mesa), Timmons and Walters—8.

Senator Drake gave notice that he had paired with Senator Newman.

A constitutional majority not having voted in the affirmative the motion did not prevail.

The question being, "Shall the resolution be adopted?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Boyd, Brown, Felker, Gunnell, Hartzell, Israel, King, Leddy, Lockwood, McGovney, McKinley, Merritt, Painter, Swink, Turner, Webber, White—18.

Nays—Senators Armstrong, Barela, Graham, Johnson, Mills, Smith (Costilla), Wheeler—7.

Absent, excused and not voting—Senators Balsinger, Drake, Howes, Newman, Pease, Pryor, Smith (Mesa), Steck, Timmons and Walters—10.

A constitutional majority having voted in the affirmative the resolution was adopted.

Senator Gunnell was excused from attendance during the remainder of the week.

Senator White moved that the Senate adjourn until to-morrow afternoon at 2 o'clock.

Senator Barela moved to lay the motion on the table.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Armstrong, Balsinger, Barela, Drake, Graham, Johnson, Mills, Smith (Costilla), Wheeler—9.

Nays—Senators Adams, Boyd, Brown, Felker, Gunnell, Hartzell, Israel, King, Leddy, Lockwood,

McGovney, McKinley, Merritt, Painter, Steck, Swink, Turner, Webber, White—19.

Absent, excused and not voting—Senators Howes, Newman, Pease, Pryor, Smith (Mesa), Timmons and Walters—7.

A constitutional majority not having voted in the affirmative the motion did not prevail.

The Senate adjourned until to-morrow afternoon at 2 o'clock.

NINTH DAY.

THURSDAY, JANUARY 18, 1894.

The Senate was called to order at 2 o'clock p. m.

Lieutenant Governor Nichols presiding.

Prayer by the chaplain.

Quorum present.

The journal of the previous day was read and approved.

Senator Drake announced that Senator Pryor was absent owing to the decease of his mother, and asked that the Senator be excused for an indefinite time, which was agreed to.

Senator Pease presented a petition from citizens of Park county, protesting against certain portions of that county being included within the proposed new county.

Senator Wheeler presented a petition in support of the extra session.

Senator Hartzell moved that the Senate adjourn until to-morrow afternoon at 2 o'clock.

Senator Wheeler moved an amendment that the Senate adjourn until to-morrow morning at 10 o'clock.

The question being, "Shall the motion prevail to amend?" the yeas and nays were had with the following result:

Yeas—Senators Balsinger, Barela, Graham, Johnson, Mills, Pease, Smith (Costilla), Steck, Wheeler—9.

Nays—Senators Adams, Boyd, Brown, Felker, Hartzell, Israel, Leddy, Lockwood, McGovney, McKinley, Merritt, Painter, Swink, Turner, Walters, Webber, White—17.

Absent, excused and not voting—Senators Armstrong, Drake, Gunnell, Howes, King, Newman, Pryor, Smith (Mesa), Timmons—9.

A majority of all the Senators not having voted in the affirmative, the motion was not agreed to.

Senator Drake gave notice that he was paired with Senator Newman.

Senator Armstrong gave notice that he was paired with Senator King.

The following communication was received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., January 17, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives has non-concurred in S. C. R. No. 4,

Providing for a committee of conference between the Senate and the House.

The resolution is herewith respectfully transmitted.

Also,

Has passed,

H. B. No. 26,

A bill for an act entitled an act to amend section one hundred and twenty-four of chapter XCIV. of the general statutes of the State of Colorado, entitled "Revenue."

With the emergency clause attached.

The bill is herewith respectfully transmitted.

Jno. R. Wallingford,
Chief Clerk.

H. B. No. 26,

A bill for an act to amend section No. 124, chapter XCIV. of the general statutes of the State of Colorado, entitled "Revenue,"

Was read the first time and referred to the Committee on Judiciary.

The question being, "Shall the Senate stand adjourned until to-morrow afternoon at 2 o'clock?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Boyd, Brown, Felker, Hartzell, Israel, Leddy, Lockwood, McGovney, McKinley, Merritt, Painter, Swink, Turner, Walters, Webber, White—17.

Nays—Senators Barela, Steck—2.

Absent, excused and not voting—Senators Armstrong, Balsinger, Drake, Graham, Gunnell, Howes, Johnson, King, Mills, Newman, Pease, Pryor, Smith (Mesa), Smith (Costilla), Timmons, Wheeler—16.

A majority of all the Senators having voted in the affirmative, the motion prevailed and the Senate adjourned accordingly.

TENTH DAY.

FRIDAY, JANUARY 19, 1894.

The Senate was called to order at 2 o'clock p. m.
Lieutenant Governor Nichols presiding.

Prayer by the chaplain.

Quorum present.

The journal of the previous day was read and approved:

Senator Steck obtained unanimous consent to introduce the following resolution:

Resolved, That the Judiciary Committee be instructed to inquire of and report to the Senate whether or not any appointments made by the governor, whose appointments are not otherwise provided for by law, made during the recess of the Senate, or when in session under the proclamation of the governor, are lawful officers authorized to hold and exercise their functions of office without the advice and consent of the Senate, after its meeting on the tenth day of this month the day of the session of the legislative assembly under the proclamation of the governor.

Pending the discussion of the resolution Senator White obtained unanimous consent to introduce

S. C. R. No. 5,

In relation to the appointment of a joint committee to consider the matter of continuing the session.

Senator White moved that the resolution be adopted.

The question being, "Shall S. C. R. No. 5 be adopted?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Boyd, Brown, Felker, Hartzell, Howes, Israel, King, Leddy, Lockwood, McGovney, McKinley, Merritt, Newman, Painter, Pryor, Steck, Swink, Turner, Walters, Webber, White—22.

Nays—Senators Armstrong, Balsinger, Barela, Drake, Graham, Johnson, Mills, Pease, Smith (Costilla), Wheeler—10.

Absent, excused and not voting—Senators Gunnell, Smith (Mesa), Timmons—3.

A majority having voted in the affirmative the resolution was adopted.

The President appointed the following named Senators in accordance with S. C. R. No. 5: Senators Israel, McGovney and Johnson.

The following message was received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., January 19, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives has passed

H. B. No. 2,

A bill for an act to provide for the construction of a reservoir in township eleven (11) south, ranges eighty (80) and eighty-one (81) west, in the county of Lake; said reservoir to be built on site selected by government survey of 1890, and known as Twin Lakes reservoir site; and to provide a penalty for interfering with or damaging such reservoir, and making an appropriation therefor.

Emergency clause attached.

Also,

Has passed,

H. B. No. 27,

A bill entitled an act to provide for the payment of a part of the contingent and incidental expenses

of the special session of the Ninth General Assembly of the State of Colorado.

Emergency clause attached.

Also,

Has passed,

H. J. M. No. 1.

Memorializing Congress to regulate and fix the value of foreign coins.

The said bills and memorial are herewith respectfully transmitted.

John R. Wallingford,
Chief Clerk.

The resolution introduced by Senator Steck was taken up for consideration.

Senator Steck moved the adoption of the resolution.

The question being, "Shall the resolution be adopted?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Balsinger, Barela, Boyd, Brown, Drake, Felker, Graham, Howes, Israel, Johnson, King, Leddy, McGovney, McKinley, Mills, Newman, Painter, Pryor, Steck, Swink, Turner, Walters, Wheeler, White—26.

Nays—Senator Hartzell—1.

Absent, excused and not voting—Senators Gunnell, Lockwood, Merritt, Pease, Smith (Mesa), Smith (Costilla), Timmons and Webber—8.

A majority having voted in the affirmative the resolution was adopted.

The following bills having been read by title were referred to the Committee on Finance:

H. B. No. 2, by Mr. Crowley,

A bill for an act to provide for the construction of a reservoir in townships eleven (11) south, ranges

eighty (80) and eighty-one (81) west, in the county of Lake; said reservoir to be built on site selected by government survey of 1890, and known as Twin Lakes reservoir site; and to provide a penalty for interfering with or damaging such reservoir, and making an appropriation therefor.

Also,

H. J. M. No. 1,

In relation to foreign coins.

Your memorialist, the legislature of the State of Colorado, now in special session assembled, would respectfully represent:

That under and by virtue of the authority vested in the Congress of the United States, as shown under the provisions of section eight of article one (1) of the Constitution of the United States, you are authorized to fix the value of foreign coins.

We, therefore, memorialize your honorable body, that you do, by act of Congress, regulate and fix the value of foreign coins at a ratio of sixteen of silver to one in gold in quantity, and that all foreign coins containing 371 1-4 grains fine of silver shall be equal to one dollar lawful money of the United States, and as such shall be a legal tender for the payment of all debts public and private.

J. P. Heisler,
S. R. Fitzgarrahd.

H. B. No. 27, by Mr. Heisler,

A bill for an act to provide for the payment of a part of the contingent and incidental expenses of the special session of the Ninth General Assembly of the State of Colorado.

On motion of Senator Leddy the Senate adjourned.

ELEVENTH DAY.

SATURDAY, JANUARY 20, 1894.

The Senate was called to order at 10 o'clock a. m.

Lieutenant Governor Nichols presiding.

Prayer by the chaplain.

Quorum present.

The journal of the previous day was read and approved.

Senator Drake obtained unanimous consent to be excused from attendance until Monday next.

The following message was received:

State of Colorado,
House of Representatives,
Denver, Colo., January 19, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives has concurred in S. C. R. No. 5,

Relative to the appointment of a joint committee of conference between the Senate and the House of Representatives.

Messrs. Humphrey, Wicks, Thomas and Wootton have been appointed on the part of the House as members of such committee.

The resolution is herewith respectfully transmitted.

Jno. R. Wallingford,
Chief Clerk.

On motion of Senator Johnson a recess was taken until 2 o'clock p. m.

AFTERNOON SESSION.

The Senate resumed its sittings at 2 o'clock p. m.

Senator McKinley arose in his seat and announced the death of ex-Governor William Gilpin, the first territorial governor of Colorado, and moved that a committee of three be appointed to draw up and present a set of resolutions in commemoration of the pioneer executive.

The motion prevailed and the President appointed as said committee Senators McKinley, Steck and Brown.

On motion of Senator Lockwood the Senate adjourned until Monday, January 22, at 2 o'clock p. m.

THIRTEENTH DAY.

MONDAY, JANUARY 22, 1894.

The Senate was called to order at 2 o'clock p. m. Lieutenant Governor Nichols presiding.

Prayer by the chaplain.

Quorum present.

The journal of the previous day was read and approved.

Senator Steck, chairman of the special committee appointed to present resolutions relating to the death of ex-Governor Gilpin, presented the following report, with appropriate remarks:

A tribute to the memory of ex-Governor William Gilpin by the Senate:

Whilst submitting with humility to the all-wise and inscrutable will of the Almighty Ruler of the world, in the sudden removal from this life of our late

distinguished fellow citizen, ex-Governor William Gilpin, we nevertheless greatly deplore his demise, as an irreparable loss to the State, to his family and friends.

Descended from an ancestry of distinction, and possessed of personal merits of character beyond the most of men; of polite and dignified deportment; with high educational attainments, of modest, gentle and unobtrusive manners; of exact and delicate discrimination of taste, in the literature of our language; an assiduous and profound student of the history and geography, not only of his own country but of the world; with a mind matured by age, and enlightened by travel and observation in his own country and in other lands; with a copious fund of useful knowledge obtained by wide and extensive reading; with an exact and tenacious memory; an author of books, whose pure and severe style of language and thought, the learned and cultivated can well appreciate, and whose prophetic suggestions of the progress and improvements of his country, some of which prophecies long since made, have been already realized, and others we may confidently hope to be attained, a thorough American in sentiment; his sudden taking off from our midst leaves a void which time can never fill.

He was the first governor of Colorado. Coming here at the opening of the great civil war, his devoted patriotism, prompt action in defense of the State and courageous attachment to the Union in that great crisis and his services to our infant territory and its people, and to the nation, evoke and deserve the lasting gratitude of all persons, and especially of our citizens, then here and now living.

To his affectionate widow and bereaved family, the Senators of this State, individually and as a body, tender their sincere sympathy and condolence, in this hour of their distress and anguish, at the loss of the loving, indulgent husband, the kind, good father and steadfast friend.

That this feeble tribute to his worth and character may be spread upon the journal of the Senate, and a copy sent to the family of the deceased, by the secretary, is respectfully recommended.

Amos Steck,
A. B. McKinley,
H. R. Brown,
Committee.

Senator McKinley moved the adoption of the resolutions by a rising vote of the Senate.

Senator Hartzell seconded the motion with appropriate remarks, and the tribute was adopted unanimously by a rising vote.

On motion of Senator Webber the Senate took a recess at 2:30 o'clock p. m. until 3:30 o'clock p. m.

AFTERNOON SESSION.

When the Senate resumed its sittings Senator Mills moved that the recess be continued until 4 o'clock, which was agreed to.

On resuming the order of business Senator Israel presented the following conference report:

Report of committee on Conference:

State of Colorado,
Senate Chamber,
Denver, Colo., January 22, 1894.

Mr. President:

Your committee, to which was referred concurrent resolution No. 5,

Have had the same under consideration and beg leave to recommend that House bills on the following subjects to be submitted for consideration, viz:

A law concerning tax penalties.

A law concerning trust deeds.

A law concerning State Canal No. 1.

A law concerning Twin Lakes reservoirs.

A law concerning new county of Cripple Creek.

And appropriation bills concerning expenses incurred by extra session, and such measures for internal improvements as at this time are deemed expedient and for which there are funds available in the internal improvement funds of the State. Provided that all internal improvement measures shall stipulate that the work and labor required in carrying out the provisions thereof shall be done and performed by citizens of the State of Colorado who have been residents therein for a period of not less than ninety days.

That after the measure herein mentioned shall have received due and speedy consideration we recommend that the extra session do adjourn sine die.

J. A. Israel,

A. A. McGovney,

J. G. Johnson,

On the part of the Senate.

A. L. Humphrey,

Platt Wicks,

Wm. J. Thomas,

R. L. Wootton,

On the part of the House.

Senator Israel moved that the report be adopted.

Senator Pease gave notice that he wished to offer amendments to the report and moved that it be made a special order for 10 o'clock to-morrow morning.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Armstrong, Barela, Graham, Mills, Pease, Smith (Costilla), Steck—7.

Nays—Senators Adams, Boyd, Brown, Felker, Hartzell, Howes, Israel, Johnson, Leddy, McGovney, McKinley, Merritt, Newman, Painter, Pryor, Swink, Turner, Walters, Webber, White—20.

Absent, excused and not voting—Senators Balsinger, Drake, Gunnell, King, Lockwood, Smith (Mesa), Timmons and White—8.

A majority of all the Senators elected not having voted in the affirmative the motion did not prevail.

Senator Drake announced that he was paired with Senator Lockwood, absent.

Senator Pease moved that the report be amended to include one or two additional bills, repealing the attachment laws, etc.

Senator White raised a point of order that it was not customary to amend a conference report.

That the question before the Senate was the adoption or rejection of the report.

The President of the Senate so ruled.

On motion of Senator Hartzell it was agreed to suspend the rules, and to proceed to the immediate consideration of the report.

Senator Barela moved for a call of the Senate, which received the requisite number of seconds.

On motion of Senator Webber proceedings under the call were dispensed with.

Senator Pease moved that the Senate adjourn.

The motion did not prevail.

The question being upon the adoption of the conference report the yeas and nays were had with the following result:

Yeas—Senators Adams, Barela, Boyd, Brown, Felker, Hartzell, Howes, Israel, Johnson, Leddy, McGovney, McKinley, Merritt, Newman, Painter, Pryor, Swink, Turner, Walters, Webber—20.

Nays—Senators Armstrong, Drake, Graham, Mills, Pease, Smith (Costilla), Steck—7.

Absent, excused and not voting—Senators Balsinger, Gunnell, King, Lockwood, Smith (Mesa), Timmons, Wheeler, White—8.

A majority having voted in the affirmative the report was adopted.

Senator Barela announced that he voted yea for the purpose of giving notice to reconsider the vote.

Senator Webber moved a reconsideration of the vote.

Senator Hartzell moved to lay the report on the table.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Boyd, Brown, Felker, Hartzell, Howes, Israel, Johnson, Leddy, McGovney, McKinley, Merritt, Newman, Painter, Pryor, Swink, Turner, Walters, Webber, White—20.

Nays—Senators Armstrong, Barela, Drake, Graham, Mills, Pease, Smith (Costilla), Steck—8.

Absent, excused and not voting—Senators Balsinger, Gunnell, King, Lockwood, Smith (Mesa), Timmons, Wheeler—7.

A majority having voted in the affirmative the motion to reconsider the vote was laid on the table.

On motion of Senator McKinley the Senate adjourned until to-morrow morning at 10 o'clock a. m.

FOURTEENTH DAY.

TUESDAY, JANUARY 23, 1894.

The Senate was called to order at 10 o'clock a. m.
Lieutenant Governor Nichols presiding.

Quorum present.

Prayer by the chaplain.

The journal of the previous day was read and approved.

Senator Boyd presented a complaint signed by one Giles Otis Pearce, preferring charges against the register of the State land board, which were read.

On motion of Senator Leddy the matter was laid on the table.

The following report was received:

Report of Committee on Finance:

State of Colorado,
Senate Chamber,
Denver, Colo., January 23, 1894.

Mr. President:

Your committee, to which was referred H. B. No. 27,

A bill for an act to provide for the payment of part of the contingent and incidental expenses of the special session of the Ninth General Assembly of the State of Colorado,

Have had the same under consideration and beg leave to recommend that the bill be referred to the committee of the whole Senate for consideration without recommendation.

J. A. Israel,
Chairman.

The report was adopted.

On motion of Senator McGovney the Senate resolved into the committee of the whole.

Senator McGovney was called to the chair.

When the committee arose the chairman made the following report:

Mr. President:

The committee of the whole Senate to whom was referred H. B. No. 27, having had the same under consideration recommend that the bill be indefinitely postponed.

A. A. McGovney,
Chairman.

Senator McGovney moved the adoption of the report.

Senator Drake moved that consideration of the report be postponed.

The motion did not prevail.

The question being, "Shall the report of the committee of the whole be adopted?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Balsinger, Boyd, Brown, Hartzell, Howes, Israel, Leddy, Lockwood, McGovney, McKinley, Merritt, Newman, Painter, Pryor, Steck, Swink, Turner, Walters, Webber, White—21.

Nays—Senators Armstrong, Barela, Drake, Graham, Johnson, Smith (Costilla), Wheeler—7.

Absent, excused and not voting—Senators Felker, Gunnell, King, Mills, Pease, Smith (Mesa), Timmons—7.

A majority having voted in the affirmative the report was adopted and the bill was indefinitely postponed.

Senator White moved a reconsideration of the vote whereby the report was adopted.

Senator Hartzell moved that the motion be laid on the table.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Balsinger, Barela, Boyd, Brown, Hartzell, Howes, Israel, Leddy, Lockwood, McGovney, McKinley, Merritt, Newman, Painter, Pryor, Swink, Turner, Walters, Webber, White—21.

Nays—Senators Armstrong, Drake, Graham, Johnson, Smith (Costilla), Wheeler—6.

Absent, excused and not voting—Senators Felker, Gunnell, King, Mills, Pease, Smith (Mesa), Steck, Timmons—8.

A majority having voted in the affirmative the motion prevailed.

Senator McKinley moved the Senate adjourn until 2 o'clock p. m. Friday, January 26.

Senator Wheeler moved an amendment that the Senate take a recess until 2 o'clock p. m.

The question being, "Shall the motion prevail for a recess?" the yeas and nays were had with the following result:

Yeas—Senators Armstrong, Balsinger, Barela, Drake, Graham, Johnson, Pryor, Smith (Costilla), Webber, Wheeler—10.

Nays—Senators Adams, Boyd, Brown, Hartzell, Howes, Israel, Leddy, Lockwood, McGovney, McKinley, Merritt, Newman, Painter, Steck, Swink, Turner, Walters, White—18.

Absent, excused and not voting—Senators Felker, Gunnell, King, Mills, Pease, Smith (Mesa), Timmons—7.

A majority of all the Senators elected not having voted in the affirmative the motion did not prevail.

The question being, "Shall the Senate adjourn until Friday, January 26, at 2 p. m.?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Boyd, Brown, Hartzell, Howes, Israel, Leddy, Lockwood, McGovney, McKinley, Merritt, Newman, Painter, Steck, Swink, Turner, Walters, White—18.

Nays—Senators Armstrong, Balsinger, Barela, Drake, Graham, Johnson, Mills, Pryor, Smith (Costilla), Webber, Wheeler—11.

Absent, excused and not voting—Senators Felker, Gunnell, King, Pease, Smith (Mesa), Timmons—6.

A majority of all the Senators elected having voted in the affirmative the motion prevailed and the Senate adjourned in accordance with the motion.

SEVENTEENTH DAY.

FRIDAY, JANUARY 26, 1894.

The Senate was called to order at 2 o'clock p. m.

Lieutenant Governor Nichols presiding.

Prayer by the chaplain.

Quorum present.

The journal of the previous sitting was read and approved.

The following message was received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., January 26, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives has rejected the report of the conference committee appointed under S. C. R. No. 5.

Has passed,

Without the emergency clause,

H. B. No. 30,

A bill for an act entitled "An act to repeal section 5 of chapter 77 of the session laws of 1893, entitled 'An act concerning damages sustained by agents, servants, or employes,' approved April 8, 1893."

Also,

Has passed,

H. B. No. 16,

A bill for an act entitled "An act to repeal section 1632 of the General Statutes of the State of Colorado."

Emergency clause attached.

Also,

Has passed,

H. J. M. No. 2,

Memorializing Congress to enact a law against discriminating against kinds of money in contracts.

Also,

Has passed,

H. J. M. No. 3,

Memorializing Congress to enact a law empowering postmasters to take affidavits in pension matters.

Said bills and memorials are herewith respectfully transmitted.

John R. Wallingford,
Chief Clerk.

Senator Webber arose to a question of personal privilege and followed with remarks relating to his action with the majority regarding the continuation of the extra session and announced that he wished to place himself with the minority and would vote for the continuation of the session until certain matters had been acted upon, which had been included in the proclamation of his excellency, the governor.

Senator Boyd also arose to a question of personal privilege and stated that a change had taken place among his constituents and in the future he would vote no more for adjournment with the majority.

The following communication was received from the governor:

State of Colorado,
Executive Office,
Denver, Colo., January 26, 1894.

Hon. D. H. Nichols, Lieutenant Governor and President of the Senate:

Sir—I have the honor to transmit herewith a communication for the consideration of the Senate in executive session.

Very respectfully,

Davis H. Waite,
Governor of Colorado.

On motion of Senator White the Senate went into executive session for the purpose of considering the message from the governor.

When the doors were opened, Senator McGovney moved that the nomination of Hon. John L. Routt, as a member of the board of capitol managers, be confirmed.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Armstrong, Balsinger, Barela, Boyd, Brown, Drake, Felker, Graham, Gunnell, Hartzell, Howes, Israel, Johnson, Leddy, Lockwood, McGovney, McKinley, Merritt, Mills, Newman, Painter, Pease, Pryor, Smith (Costilla), Steck, Swink, Turner, Walters, Webber, Wheeler, White—31.

Nays—None.

Absent, excused and not voting—Senators Adams, King, Smith (Mesa), Timmons—4.

A constitutional majority of all the Senators elected having voted in the affirmative the nomination was declared confirmed.

Senator McKinley moved that the Senate adjourn until 2 o'clock to-morrow afternoon.

Senator Barela moved to lay the motion on the table.

The question being, "Shall the motion prevail to lay on the table?" the yeas and nays were had with the following result:

Yeas—Senators Armstrong, Balsinger, Barela, Boyd, Drake, Johnson, Mills, Pease, Pryor, Smith (Costilla), Steck, Webber, Wheeler—13.

Nays—Senators Brown, Felker, Graham, Gunnell, Hartzell, Howes, Israel, Leddy, Lockwood, McGovney, McKinley, Merritt, Newman, Painter, Swink, Turner, Walters, White—18.

Absent, excused and not voting—Senators Adams, King, Smith (Mesa), Timmons—4.

A majority not having voted in the affirmative the motion did not prevail.

Senator Balsinger moved an amendment to take a recess for fifteen minutes.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Armstrong, Balsinger, Barela, Boyd, Drake, Graham, Johnson, Mills, Pease, Pryor, Smith (Costilla), Webber, Wheeler—13.

Nays—Senators Brown, Felker, Gunnell, Hartzell, Howes, Israel, King, Leddy, Lockwood, McGovney, McKinley, Merritt, Newman, Painter, Steck, Swink, Turner, Walters, White—19.

Absent—Senators Adams, Smith (Mesa), Timmons—3.

A majority not having voted in the affirmative the motion did not prevail.

Senator Wheeler obtained unanimous consent to be absent for one day.

The question being, "Shall the Senate adjourn until to-morrow afternoon at 2 o'clock?" the yeas and nays were had with the following result:

Yeas—Senators Brown, Felker, Graham, Gunnell, Hartzell, Howes, Israel, King, Leddy, Lockwood,

McGovney, McKinley, Merritt, Newman, Painter, Swink, Turner, Walters, White—19.

Nays—Senators Armstrong, Balsinger, Barela, Boyd, Drake, Johnson, Mills, Pease, Pryor, Smith (Costilla), Steck, Webber, Wheeler—13.

Absent—Senators Adams, Smith (Mesa), Timmons—3.

A majority having voted in the affirmative the motion prevailed and the Senate adjourned.

EIGHTEENTH DAY.

SATURDAY, JANUARY 27, 1894.

The Senate was called to order at 2 o'clock p. m.
Lieutenant Governor Nichols presiding.

Quorum present.

Prayer by the chaplain.

The journal of the previous day was read and approved.

Senator Steck introduced the following resolution:

Resolved, That as there is a disagreement between the Senate and House, concerning the adjournment of the legislative assembly, and as there is a fixed and unalterable determination of the majority of the Senate to do no legislative business at this extraordinary session, that the fact of such disagreement, and motion to adjourn the said session at a fixed time, having been last moved by the Senate, to which motion the House disagreed, the secretary is hereby directed to certify the fact of such disagreement to the governor, that he may adjourn the legislative assembly as is provided by the Constitution in such cases.

The consideration of the resolution was temporarily postponed.

Senator McKinley obtained unanimous consent to be excused for the day and announced that he had "paired" with Senator Graham in voting on all matters pertaining to the differences existing between the majority and minority of the Senate.

The following communication was received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., January 27, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives

Has passed,

H. B. No. 40,

A bill for an act entitled "An act to provide for the construction of a State reservoir on Plum creek, south of the town of Castle Rock, in Douglas county, at the most suitable place, to be selected by a board of construction herein provided for; to appropriate money for the payment of the same, and to provide for the regulation of the flow of water therefrom, and to maintain the expenses of the same, and to provide a penalty for interfering with or damaging the same."

Also,

Has passed,

H. B. No. 54,

A bill for an act entitled "An act to transfer a part of the unexpended balance standing to the credit of the stock inspection fund to the legislative cash fund."

Emergency clause attached.

Said bills are herewith respectfully transmitted.

John R. Wallingford,
Chief Clerk.

On motion of Senator Felker the Senate went into executive session.

When the doors were thrown open Senator Hartzell moved that the nomination of Archie C. Fisk, of Denver, to be superintendent of immigration, be not confirmed.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Balsinger, Boyd, Brown, Drake, Felker, Gunnell, Hartzell, Howes, Israel, Johnson, King, Leddy, McGovney, Merritt, Newman, Painter, Pryor, Steck, Swink, Turner, Walters, Webber, White—23.

Nays—Senators Armstrong, Barela, Graham, Mills, Smith (Costilla)—5.

Absent, excused and not voting—Senators Adams, Lockwood, McKinley, Pease, Smith (Mesa), Timmons, Wheeler—7.

A majority of all the Senators elected having voted in the affirmative the motion prevailed, and the nomination was not confirmed.

Senator McGovney moved that the nomination of W. K. Sinton, to be a trustee of the mute and blind institute, be confirmed.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Armstrong, Balsinger, Barela, Boyd, Brown, Drake, Felker, Graham, Gunnell, Hartzell, Howes, Israel, Johnson, King, Leddy, McGovney, Merritt, Mills, Newman, Painter, Pryor, Smith (Costilla), Steck, Swink, Turner, Walters, Webber, White—28.

Nays—None.

Absent, excused and not voting—Senators Adams, Lockwood, McKinley, Pease, Smith (Mesa), Timmons, Wheeler—7.

A majority of all the Senators elected having voted in the affirmative the motion prevailed, and the nomination was confirmed.

Senator Felker moved that the nomination of F. H. Hegwer, to be State boiler inspector, be not confirmed.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Armstrong, Balsinger, Barela, Boyd, Brown, Drake, Felker, Graham, Gunnell, Hartzell, Israel, Johnson, King, Leddy, McGovney, Merriitt, Mills, Newman, Painter, Pryor, Smith (Costilla), Steck, Swink, Turner, Walters, Webber, White—27.

Nays—None

Absent, excused and not voting—Senators Adams, Howes, Lockwood, McKinley, Pease, Smith (Mesa), Timmons, Wheeler—8.

A majority of all the Senators elected having voted in the affirmative, the motion prevailed and the nomination was not confirmed.

Senator Israel moved that the nomination of Minnie C. T. Love, to be a member of the State board of charities and corrections, be confirmed.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Armstrong, Balsinger, Barela, Boyd, Brown, Drake, Felker, Graham, Gunnell, Hartzell, Israel, Johnson, King, Leddy, McGovney, Merriitt, Mills, Newman, Painter, Pryor, Smith (Costilla), Steck, Swink, Turner, Walters, Webber, White—27.

Nays—None.

Absent, excused and not voting—Senators Adams, Howes, Lockwood, McKinley, Pease, Smith (Mesa), Timmons, Wheeler—8.

A majority of all the Senators elected having voted in the affirmative the motion prevailed and the nomination was confirmed.

Senator Walters moved that the nomination of B. A. Wheeler, to be a member of the State board of charities and corrections, be confirmed.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Armstrong, Balsinger, Barela, Boyd, Brown, Drake, Graham, Gunnell, Israel, Johnson, King, Leddy, Mills, Newman, Painter, Pryor, Smith (Costilla), Steck, Swink, Turner, Walters, Webber, White—23.

Nays—Senators Felker, Hartzell, McGovney, Merritt—4.

Absent, excused and not voting—Senators Adams, Howes, Lockwood, McKinley, Pease, Smith (Mesa), Timmons, Wheeler—8.

A majority of all the Senators elected having voted in the affirmative the motion prevailed and the nomination was confirmed.

Senator Hartzell moved that the nomination of Henry L. Acker, to be metalliferous mine inspector, be not confirmed.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Balsinger, Barela, Boyd, Brown, Drake, Felker, Gunnell, Hartzell, King, Leddy, McGovney, Merritt, Newman, Painter, Pryor, Steck, Swink, Turner, White—19.

Nays—Senators Armstrong, Graham, Israel, Johnson, Mills, Smith (Costilla), Walters—7.

Absent, excused and not voting—Senators Adams, Lockwood, Howes, McKinley, Pease, Smith (Mesa), Timmons, Webber, Wheeler—9.

A majority of all the Senators elected having voted in the affirmative the motion prevailed and the nomination was not confirmed.

Senator Felker moved that the nomination of Joseph Mann, to be a member of the board of control of the State industrial school, be confirmed.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Armstrong, Balsinger, Barela, Boyd, Brown, Drake, Felker, Gunnell, Hartzell, Israel, Johnson, King, Leddy, McGovney, Merritt, Mills, Newman, Painter, Pryor, Smith (Costilla), Steck, Swink, Turner, Walters, White—25.

Nays—None.

Absent, excused and not voting—Senators Adams, Graham, Howes, Lockwood, McKinley, Pease, Smith (Mesa), Timmons, Webber, Wheeler—10.

A majority of all the Senators elected having voted in the affirmative the motion prevailed and the nomination was confirmed.

Senator Merritt moved that the nomination of Frank Finegan, to be trustee of the mute and blind institute, be not confirmed.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Balsinger, Barela, Boyd, Brown, Drake, Felker, Gunnell, Hartzell, Howes, Israel, Johnson, King, Leddy, McGovney, Merritt, Newman, Painter, Pryor, Steck, Swink, Turner, Walters, White—24.

Nays—Senators Armstrong, Mills, Smith (Costilla)—3.

Absent, excused and not voting—Senators Adams, Graham, Lockwood, McKinley, Pease, Smith (Mesa), Timmons, Wheeler—8.

A majority of all the Senators elected having voted in the affirmative the motion prevailed and the nomination was not confirmed.

Senator Pryor moved that the nomination of I. D. Chamberlain, to be a member of the board of penitentiary commissioners, be confirmed.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Armstrong, Balsinger, Barela, Boyd, Brown, Drake, Gunnell, Hartzell, Howes, Israel, Johnson, King, Leddy, Mills, Painter, Pryor, Smith (Costilla), Steck, Turner, Walters, Webber, White—22.

Nays—Senators Felker, McGovney, Merritt, Newman, Swink—5.

Absent, excused and not voting—Senators Adams, Graham, Lockwood, McKinley, Pease, Smith (Mesa), Timmons, Wheeler—8.

A majority of all the Senators elected having voted in the affirmative the motion prevailed and the nomination was confirmed.

Senator Boyd moved that the nomination of J. T. Flower, to be State dairy commissioner, be confirmed.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Armstrong, Balsinger, Barela, Boyd, Brown, Drake, Felker, Gunnell, Hartzell, Howes, Israel, Johnson, King, Leddy, McGovney, Merritt, Mills, Newman, Painter, Pryor, Smith (Costilla), Steck, Swink, Turner, Walters, Webber, White—27.

Nays—None.

Absent, excused and not voting—Senators Adams, Graham, Lockwood, McKinley, Pease, Smith (Mesa), Timmons, Wheeler—8.

A majority of all the Senators elected having voted in the affirmative the motion prevailed and the nomination was confirmed.

Senator Felker moved that the nomination of W. J. Jackson, to be a member of the board of control of the State industrial school, be not confirmed.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Balsinger, Boyd, Brown, Felker, Gunnell, Hartzell, Howes, King, Leddy, McGovney, Merritt, Newman, Painter, Pryor, Steck, Turner, Walters, Webber, White—19.

Nays—Senators Armstrong, Barela, Drake, Israel, Johnson, Mills, Smith (Costilla)—7.

Absent, excused and not voting—Senators Adams, Graham, Lockwood, McKinley, Pease, Smith (Mesa), Swink, Timmons, Wheeler—9.

A majority of all the Senators elected having voted in the affirmative the motion prevailed and the nomination was not confirmed.

The Senate took up for consideration the resolution introduced by Senator Steck.

Senator Steck moved the adoption of the resolution.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Balsinger, Boyd, Brown, Drake, Felker, Gunnell, Hartzell, Howes, Israel, King, Leddy, McGovney, Merritt, Newman, Painter, Pryor, Steck, Swink, Turner, Webber, Walters, White—22.

Nays—Senators Armstrong, Barela, Johnson, Mills, Smith (Costilla)—5.

Absent, excused and not voting—Senators Adams, Graham, Lockwood, McKinley, Pease, Smith (Mesa), Timmons, Wheeler—8.

A majority having voted in the affirmative the resolution was adopted.

Senator Hartzell moved that the Senate adjourn until 2 o'clock p. m. Tuesday, January 30.

Senator Balsinger moved as an amendment that the Senate adjourn until Monday morning at 10 o'clock.

The question being, "Shall the amendment prevail?" the yeas and nays were had with the following result:

Yeas—Senators Armstrong, Balsinger, Barela, Boyd, Drake, Johnson, Mills, Pryor, Smith (Costilla), Steck, Webber—11.

Nays—Senators Brown, Felker, Gunnell, Hartzell, Howes, Israel, King, Leddy, McGovney, Merritt, Newman, Painter, Swink, Turner, Walters, White—16.

Absent, excused and not voting—Senators Adams, Graham, Lockwood, McKinley, Pease, Smith (Mesa), Timmons, Wheeler—8.

A majority not having voted in the affirmative the amendment was not agreed to.

The question being, "Shall the motion prevail to adjourn until Tuesday next at 2 p. m.?" the yeas and nays were had with the following result:

Yeas—Senators Brown, Felker, Gunnell, Hartzell, Howes, Israel, King, Leddy, McGovney, Merritt, Newman, Painter, Swink, Turner, Walters, White—16.

Nays—Senators Armstrong, Balsinger, Barela, Boyd, Drake, Johnson, Mills, Pryor, Smith (Costilla), Steck, Webber—11.

Absent, excused and not voting—Senators Adams, Graham, Lockwood, McKinley, Pease, Smith (Mesa), Timmons, Wheeler—8.

A majority of all the Senators having voted in the affirmative the motion prevailed and the Senate adjourned.

TWENTY-FIRST DAY.

TUESDAY, JANUARY 30, 1894.

The Senate was called to order at 2 o'clock p. m.
Lieutenant Governor Nichols presiding.

Quorum present.

Prayer by the chaplain.

The journal of the previous day was read and approved.

The following communication was received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., January 30, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives has passed,

H. B. No. 15,

A bill for an act to amend the attachment laws of the state as prescribed by general section 2000 of the general statutes of the state of Colorado.

Emergency clause attached.

Also,

H. B. No. 24,

A bill for an act to amend section 92 of an act entitled "An act for an act to provide a code of procedure in civil actions in courts of record in the state of Colorado," and to repeal all acts inconsistent therewith, approved April 7, 1887.

Emergency clause attached.

Also,

H. B. No. 12,

A bill for an act to regulate the time for payment for the carriage of water in canals or ditches; to punish persons in certain cases; and to provide for notice before allowing injunctions against certain officers.

Passed without the emergency clause.

Also,

H. B. No. 7,

A bill for an act to construct a state bridge across the Arkansas river, in Prowers county, on the west line of range 44, near the town of Carlton, and to appropriate money for the same.

Emergency clause attached.

Also,

H. B. No. 10,

A bill for an act to construct a state wagon road from a point at the foot of Lake San Christoval, in Hinsdale county, to a point of intersection with the Silverton and Animas Forks wagon road, in San Juan county, and make an appropriation therefor.

Emergency clause attached.

Also,

H. B. No. 11,

A bill for an act to provide a public wagon road between Leadville, in Lake county, and the Horse-shoe mining district, on Mount Sherman, and making an appropriation therefor.

Emergency clause attached.

Also,

H. B. No. 18,

A bill for an act to provide for the construction of a bridge across Bear river, in Routt county at a point near the Marshall ford, about three miles east

of the town of Hayden, and appropriating money for the payment of the same.

Emergency clause attached.

Also,

H. B. No. 19,

A bill for an act to provide for the construction of a bridge across White river, in Rio Blanco county, at a point near the government ford, about three miles west of the town of Meeker, and appropriating money for the payment of the same.

Emergency clause attached.

Also,

H. B. No. 20,

A bill for an act to provide for the construction of a wagon road in the county of San Miguel, Colorado, and making an appropriation therefor.

Emergency clause attached.

Also,

H. B. No. 25,

A bill for an act to provide for the construction of a public wagon road through the range of hills on the south side of the South Platte river, in Logan county, and to appropriate money to pay for the same.

Emergency clause attached.

Also,

H. B. No. 28,

A bill for an act to provide for the construction of a State bridge across the Animas river, in La Plata county, near the city of Durango, and at a point where the Florida Mesa and Durango road cross said river; and to appropriate money for the payment of the same.

Emergency clause attached.

Said bills are herewith respectfully transmitted.

Jno. R. Wallingford,
Chief Clerk.

A messenger from the executive department announced a communication from his excellency the governor in relation to a resolution introduced by Senator Steck at a previous sitting, which was received.

Senator McKinley introduced S. C. R. No. 6,

In relation to adjourning the extraordinary session of the General Assembly at noon, Thursday, February 8, 1894.

Senator McKinley moved a suspension of the rules for the consideration of the resolution.

The question being, "Shall the motion prevail to suspend the rules?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Boyd, Brown, Felker, Gunnell, Hartzell, Howes, Israel, King, Leddy, Lockwood, McGovney, McKinley, Merritt, Newman, Painter, Swink, Turner, White—19.

Nays—Senators Armstrong, Barela, Drake, Graham, Johnson, Mills, Pease, Smith (Costilla), Steck, Webber, Wheeler—11.

Absent, excused and not voting—Senators Balingier, Pryor, Smith (Mesa), Timmons, Walters—5.

A two-thirds majority of Senators present not having voted in the affirmative, the motion did not prevail.

Senator Wheeler presented a memorial adopted at a mass meeting held at Coliseum Hall, relating to the extraordinary session and its continuation.

The memorial was read and ordered placed on file.

On motion of Senator White the Senate went into executive session.

When the doors were thrown open Senator Barela moved that the nomination by the governor of Dennis Mullen to be a member of the Board of Charities and Corrections be confirmed.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Barela, Boyd, Brown, Drake, Felker, Graham, Gunnell, Hartzell, Howes, Israel, Johnson, King, Leddy, Lockwood, McGovney, McKinley, Merritt, Mills, Newman, Painter, Pease, Smith (Costilla), Steck, Swink, Turner, Wheeler, White—29.

Nays—None.

Absent, excused and not voting—Senators Balsinger, Pryor, Smith (Mesa), Timmons, Walters, Weber—6.

A majority of all the Senators elected having voted in the affirmative, the motion prevailed and the nomination was confirmed.

The following communication was received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., January 30, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives has passed

H. B. No. 29,

A bill for an act concerning the employment of children and young persons, and to repeal all acts or parts of acts inconsistent herewith.

Also,

H. B. No. 33,

A bill for an act to construct a State bridge across Blue river, at or near the town of Breckenridge, in Summit county, and to appropriate money for the payment of the same.

Emergency clause attached.

The bills are herewith respectfully transmitted.

Jno. R. Wallingford,
Chief Clerk.

Senator White moved that the Senate adjourn until 2 o'clock p. m., Friday, February 2.

Senator Barela moved to lay the motion on the table.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Armstrong, Barela, Boyd, Drake, Graham, Johnson, Mills, Pease, Smith (Costilla), Steck, Wheeler—11.

Nays—Senators Adams, Brown, Felker, Gunnell, Hartzell, Howes, Israel, King, Leddy, Lockwood, McGovney, McKinley, Merritt, Newman, Painter, Swink, Turner, White—18.

Absent, excused and not voting—Senators Balsinger, Pryor, Smith (Mesa), Timmons, Walters, Webber—6.

A majority not having voted in the affirmative, the motion did not prevail.

Senator Wheeler moved that the Senate adjourn until the regular hour to-morrow morning.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Armstrong, Barela, Boyd, Drake, Graham, Johnson, Mills, Pease, Smith (Costilla), Steck, Wheeler—11.

Nays—Senators Adams, Brown, Felker, Gunnell, Hartzell, Howes, Israel, King, Leddy, Lockwood, McGovney, McKinley, Merritt, Newman, Painter, Swink, Turner, White—18.

Absent, excused and not voting—Senators Balsinger, Pryor, Smith (Mesa), Timmons, Walters, Webber—6.

A majority not having voted in the affirmative, the motion did not prevail.

The question being, "Shall the Senate adjourn until 2 o'clock p. m., Friday, February 2?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Brown, Felker, Gunnell, Hartzell, Howes, Israel, King, Leddy, Lockwood, McGovney, McKinley, Merritt, Newman, Painter, Swink, Turner, White—18.

Nays—Senators Armstrong, Barela, Boyd, Graham, Johnson, Mills, Pease, Smith (Costilla), Steck, Wheeler—11.

Absent, excused and not voting—Senators Balsinger, Pryor, Smith (Mesa), Timmons, Walters, Weber—6.

A majority having voted in the affirmative, the motion prevailed and the Senate adjourned accordingly.

TWENTY-FOURTH DAY.

FRIDAY, FEBRUARY 2, 1894.

The Senate was called to order at 2 o'clock p. m.

Lieutenant Governor Nichols presiding.

Quorum present.

Prayer by the chaplain.

The journal of the previous day was read and approved.

The following communication was received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., February 2, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives has passed H. B. No. 34,

A bill for an act to amend an act entitled "An act to exempt certain wages and earnings of debtors from levy and attachment for debt;" and acts amendatory thereof, approved March 28, 1885.

Also,

H. B. No. 36,

A bill for an act to provide a public wagon road between Idaho Springs, in Clear Creek county, and the county road in Jefferson county, at or near the Miller ranch, in Jefferson county, and making an appropriation therefor.

Emergency clause attached.

Also,

H. B. No. 41,

A bill for an act to provide for the construction of a bridge across the Gunnison river, in Gunnison county, at a point about one and a quarter miles south of the town of Gunnison, and appropriating money for the payment of the same.

Emergency clause attached.

Also,

H. B. No. 47,

A bill for an act to establish and maintain an institution for the care and training of feeble-minded and imbecile children, and making an appropriation therefor.

Emergency clause attached.

Also,

H. B. No. 48,

A bill for an act concerning deeds of trust and other instruments of like purport, and to provide a right of redemption where property is sold by virtue of a deed of trust or other like instruments.

Emergency clause attached.

Also,

H. B. No. 53,

A bill for an act to construct a State bridge across the Blue river, about two miles north of the town of Breckenridge, in Summit county, on or near section thirty, township six south, of range seventy-seven west sixth principal meridian, and to appropriate money for the payment of the same.

Emergency clause attached.

Said bills are herewith respectfully transmitted.

John R. Wallingford,
Chief Clerk.

Senator Webber obtained unanimous consent to be excused from attendance during the day.

Senator Wheeler gave notice that he would on the succeeding day move that the Committee on Judiciary be instructed to report back to the Senate H. B. No. 26.

The communication received from the governor at the previous day's session was taken up in regular order and read.

Senator Howes moved that the message of the governor be referred to a special committee of five, consisting of Senators McKinley, Hartzell, Lockwood, Graham and Mills.

Senator Barela raised a point of order that such action was not rulable until after the order of business had been considered.

The President ruled the point not well taken, but that the communication was under consideration and it was proper to dispose of it.

The question being, "Shall the communication be referred to a special committee?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Boyd, Brown, Felker, Gunnell, Howes, Israel, King, Leddy, Lockwood, McGovney, McKinley, Merritt, Newman, Painter, Pryor, Swink, Turner, White—19.

Nays—Senators Armstrong, Balsinger, Barela, Drake, Graham, Johnson, Mills, Pease, Steck—9.

Absent, excused and not voting—Senators Hartzell, Smith (Mesa), Smith (Costilla), Timmons, Walters, Webber, Wheeler—7.

A majority having voted in the affirmative the motion prevailed and the communication was referred in accordance with the motion of Senator Howes.

A resolution introduced at a previous session by Senator Pease relating to an investigation of the funds in the State treasury was read.

Senator Armstrong moved a suspension of the rules and the consideration of the resolution.

Senator Felker moved to lay the motion on the table.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Brown, Felker, Gunnell, Howes, Israel, King, Leddy, Lockwood, McGovney, McKinley, Merritt, Newman, Painter, Pryor, Swink, White—16.

Nays—Senators Adams, Armstrong, Balsinger, Barela, Boyd, Drake, Graham, Johnson, Mills, Pease, Steck, Turner, Wheeler—13.

Absent, excused and not voting—Senators Hartzell, Smith (Mesa), Smith (Costilla), Timmons, Walters, Webber—6.

A majority having voted in the affirmative the motion prevailed and the motion was laid on the table.

S. C. R. No. 6, introduced by Senator McKinley, relating to the adjournment of the extraordinary session on February 8, 1894, was read and considered.

Senator McKinley moved the adoption of the resolution.

The question being, "Shall the Senate adopt S. C. R. No. 6?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Brown, Felker, Gunnell, Howes, Israel, King, Lockwood, McGovney, McKinley, Merritt, Newman, Painter, Steck, Swink, Turner, White—17.

Nays—Senators Armstrong, Balsinger, Barela, Boyd, Drake, Graham, Johnson, Mills, Pryor—9.

Absent, excused and not voting—Senators Hartzell, Leddy, Pease, Smith (Mesa), Smith (Costilla), Timmons, Walters, Webber, Wheeler—9.

A majority having voted in the affirmative the resolution was adopted.

Senator Felker moved a reconsideration of the action of the Senate in rejecting the nomination of the metalliferous mine inspector.

It was decided that the matter had passed out of the jurisdiction of the Senate and no action was taken.

Senator Gunnell moved that the Senate adjourn until 2 o'clock p. m. to-morrow.

Senator Balsinger moved as an amendment that the Senate adjourn until 10 o'clock to-morrow morning.

The question being, "Shall the amendment prevail?" the yeas and nays were had with the following result:

Yeas—Senators Armstrong, Balsinger, Barela, Boyd, Drake, Graham, Johnson, Pryor, Steck—10.

Nays—Senators Adams, Brown, Felker, Gunnell, Howes, Israel, King, Lockwood, McGovney, McKinley, Merritt, Newman, Painter, Swink, Turner, White—16.

Absent, excused and not voting—Senators Hartzell, Leddy, Pease, Smith (Mesa), Smith (Costilla), Timmons, Walters, Webber, Wheeler—9.

A majority not having voted in the affirmative the motion did not prevail and the amendment was not agreed to.

The question being, "Shall the Senate adjourn until to-morrow at 2 p. m.?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Barela, Brown, Felker, Graham, Gunnell, Howes, Israel, King, Lockwood, McGovney, McKinley, Merritt, Newman, Painter, Swink, Turner, White—18.

Nays—Senators Armstrong, Balsinger, Boyd, Drake, Johnson, Mills, Pryor, Steck—8.

Absent, excused and not voting—Senators Hartzell, Leddy, Pease, Smith (Mesa), Smith (Costilla), Timmons, Walters, Webber, Wheeler—9.

A majority having voted in the affirmative the motion prevailed and the Senate adjourned in accordance therewith.

TWENTY-FIFTH DAY.

SATURDAY, FEBRUARY 3, 1894.

The Senate was called to order at 2 o'clock p. m.
Lieutenant Governor Nichols presiding.

Quorum present.

Prayer by the chaplain.

The journal of the previous day was read and approved.

Senator McGovney moved the Senate adjourn until 2 o'clock p. m., Monday, February 5.

Senator Balsinger moved as an amendment that the Senate take a recess for 15 minutes.

The question being, "Shall the amendment prevail?" the yeas and nays were had with the following result:

Yeas—Senators Armstrong, Barela, Boyd, Drake, Graham, Johnson, Mills, Pease, Pryor, Steck, Wheeler—11.

Nays—Senators Adams, Brown, Felker, Gunnell, Howes, Israel, King, Leddy, Lockwood, McGovney, McKinley, Merritt, Newman, Painter, Swink, Turner, Walters—17.

Absent, excused and not voting—Senators Balsinger, Hartzell, Smith (Mesa), Smith (Costilla), Timmons, Webber, White—7.

Senator Balsinger announced he had paired with Senator White, who was absent.

A majority not having voted in the affirmative, the amendment did not prevail.

The question recurring upon the original motion.

Senator Balsinger moved as an amendment that the Senate adjourn until 10 o'clock a. m., Monday next.

Senator McGovney raised a point of order that, according to previous rulings, no amendment would be in order, and that the original question was before the Senate for consideration.

The President sustained the point of order.

Senator Balsinger appealed from the decision of the chair.

The question being, "Shall the ruling of the President be sustained?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Brown, Felker, Gunnell, Howes, Israel, King, Leddy, Lockwood, McGovney, McKinley, Merritt, Newman, Painter, Pryor, Swink, Turner, Walters—18.

Nays—Senators Armstrong, Barela, Boyd, Drake, Graham, Johnson, Mills, Pease, Steck—9.

Absent, excused and not voting—Senators Balsinger, Hartzell, Smith (Mesa), Smith (Costilla), Timmons, Webber, Wheeler—7.

Senator Balsinger announced that he was paired with Senator White.

A majority having voted in the affirmative, the decision of the chair was sustained.

Senator Drake moved that the Senate adjourn.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Armstrong, Barela, Boyd, Drake, Graham, Johnson, Mills, Pease, Pryor, Wheeler—10.

Nays—Senators Adams, Brown, Felker, Gunnell, Howes, Israel, King, Leddy, Lockwood, McGovney, McKinley, Merritt, Newman, Painter, Steck, Swink, Turner, Walters—18.

Absent, excused and not voting—Senators Balsinger, Hartzell, Smith (Mesa), Smith (Costilla), Timmons, Webber, White—7.

A majority not having voted in the affirmative, the motion did not prevail.

The question recurring upon the motion to adjourn until 2 o'clock p. m., Monday, the yeas and nays were had with the following result:

Yeas—Senators Adams, Brown, Felker, Gunnell, Howes, Israel, King, Leddy, Lockwood, McGovney, McKinley, Merritt, Newman, Painter, Swink, Turner, Walters—17.

Nays—Senators Armstrong, Barela, Boyd, Drake, Graham, Johnson, Mills, Pease, Pryor, Steck, Wheeler—11.

Absent, excused and not voting—Senators Balsinger, Hartzell, Smith (Mesa), Smith (Costilla), Timmons, Webber, White—7.

A majority having voted in the affirmative, the motion prevailed and the Senate adjourned until 2 o'clock p. m., Monday, February 5.

TWENTY-SEVENTH DAY.

MONDAY, FEBRUARY 5, 1894.

The Senate was called to order at 2 o'clock p. m.
Lieutenant Governor Nichols presiding.

Quorum present.

The journal of the previous day was read and approved.

Senator Mills announced that Senator Newman had been called away and desired to be excused from attendance for a few days, which was agreed to.

The following message was received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., February 5, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives has passed,

Without the emergency clause,

H. B. No. 3,

A bill for an act to establish the county of Wootton and the county seat thereof; providing for the appointment of its precinct and county officers; fixing the terms of court therein, and attaching the same to certain representative, senatorial and judicial districts.

Also,

H. B. No. 49,

A bill for an act to provide for organization and government of a reservoir and irrigation district in

the Arkansas valley, to aid in construction and completion of reservoirs and State canal No. 1.

Emergency clause attached.

Also,

H. B. No. 64,

A bill for an act to transfer a part of the unexpended balance of the general revenue of 1891 to the legislative cash fund.

Emergency clause attached.

Also,

H. B. No. 62,

A bill for an act to provide for the payment of a part of the contingent and incidental expenses of the special session of the Ninth General Assembly of the State of Colorado, and to provide for the compensation of members, officers and employes, and other necessary expenses of said assembly.

Emergency clause attached.

Also,

Has passed,

Without the emergency clause,

H. B. No. 57,

A bill for an act to amend sections eighteen, nineteen and twenty-six of an act entitled, "An act in relation to elections; defining offenses against the same, and prescribing punishments therefor," approved March 26, 1891.

Also,

H. B. No. 61,

A bill for an act to amend sections two and three of an act entitled an act to regulate the hours of labor of mechanics, workingmen and other laborers, and to prescribe penalties for the violation thereof, approved March 27, 1893.

Also,

H. J. M. No. 4,

Memorializing congress to prevent the secretary of the treasury from creating further bonded indebtedness.

Also,

Has non-concurred in

S. C. R. No. 6.

Said bills and memorials are herewith respectfully transmitted.

Jno. R. Wallingford,
Chief Clerk.

Senator Drake presented a petition from the Pueblo trades assembly regarding legislation supporting the construction of State canal No. 1.

Senator Swink presented a petition from citizens of Otero county favoring the passage of the Twin Lakes reservoir bill.

Senator Drake presented a resolution regarding the appointment of a committee to inquire into the disposition of a sum of money appropriated by the Seventh General Assembly to aid in the construction of a viaduct in Denver city.

The resolution was laid over.

Senator Lockwood presented the following resolution and moved the suspension of the rules for the consideration of the same:

Whereas, It is apparent that no agreement for the limitation of legislation at this session can be reached between the Senate and House; and

Whereas, It is desirable that the Senate shall adopt the most expeditious course within its power to terminate the present session and without the expense of committee rooms, committee clerks and the other appurtenances of a regular session; therefore be it

Resolved, That part of the ninth order of business in Senate rule four, to wit: "Introduction of bills," be abrogated for the remainder of the present extraordinary session.

Resolved, further, That House bills now upon the secretary's desk, or that may hereafter be sent to the Senate, be read by title, and all House bills containing an appropriation to be referred to the Finance Committee of the Senate, and all other House bills be referred to a special committee of seven Senators, to be named by the President of the Senate.

It was unanimously agreed to suspend the rules for the consideration of the resolution.

The question being upon the adoption of the resolution,

Senator Drake raised a point of order that under the rules the resolution could not be acted upon without being laid over for a day.

The President decided that the resolution was before the Senate for adoption or rejection.

Senator Drake called for a division of the question.

The question being upon the first section of the resolution, the yeas and nays were had with the following result:

Yeas—Senators Adams, Brown, Felker, Gunnell, Hartzell, Howes, Israel, Lockwood, McGovney, McKinley, Merritt, Painter, Pryor, Swink, Turner, Walters, Webber, White—17.

Nays—Senators Armstrong, Balsinger, Barela, Boyd, Drake, Graham, Johnson, Mills, Smith (Costilla), Steck, Timmons—11.

Absent, excused and not voting—Senators Gunnell, King, Leddy, Newman, Pease, Smith (Mesa), Wheeler—7.

A majority having voted in the affirmative, the President declared the section adopted.

Senator Drake gave notice that he would file a protest that the same had not been adopted by a two-thirds vote of all the votes cast.

The question being upon the second section of the resolution, the yeas and nays were had with the following result:

Yeas—Senators Adams, Boyd, Brown, Felker, Hartzell, Howes, Israel, Lockwood, McGovney, McKinley, Merritt, Painter, Pryor, Swink, Turner, Walters, White—17.

Nays—Senators Armstrong, Balsinger, Barela, Drake, Graham, Johnson, Mills, Smith (Costilla), Steck, Timmons, Webber—11.

Absent, excused and not voting—Senators Gunnell, King, Leddy, Newman, Pease, Smith (Mesa), Wheeler—7.

A majority having voted in the affirmative, the President declared the resolution adopted.

Senator Drake gave notice that he would file his protest that a two-thirds vote had not been secured for the passage of the resolution.

The resolution presented by Senator Pease on a previous occasion regarding the appointment of a special committee to investigate State funds, was again read and laid over for a day.

On motion of Senator McKinley H. B. No. 26 was ordered withdrawn from the Committee on Judiciary and referred to the special committee.

The President appointed as members of the special standing committee, in accordance with the resolution introduced by Senator Lockwood, Senators McKinley, Johnson, Painter, Turner, Pryor, Merritt and Pease.

Senator Webber obtained unanimous consent to be absent until Thursday next.

Senator Felker renewed his motion to reconsider the vote whereby the Senate rejected the nomination of the appointment of a metalliferous mine inspector.

The question being, "Shall the motion prevail to reconsider?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Balsinger, Barela, Boyd, Brown, Drake, Felker, Graham, Hartzell, Israel, Johnson, Lockwood, McGovney, McKinley, Merritt, Mills, Painter, Pryor, Smith (Costilla), Steck, Swink, Timmons, Turner—24.

Nays—Senator Howes—1.

Absent, excused and not voting—Senators Gunnell, King, Leddy, Newman, Pease, Smith (Mesa), Walters, Webber, Wheeler, White—10.

A majority having voted in the affirmative, the motion to reconsider was agreed to.

Senator McGovney moved that the Committee on Finance and the special standing committee be empowered to employ a clerk who shall be stenographer for each committee.

The motion prevailed and it was so ordered.

The following bills were read by title and referred to the Committee on Finance:

H. B. No. 25, by Mr. Carnahan,

A bill for an act to provide for the construction of a public wagon road through the range of hills on the south side of the South Platte river, in Logan county, and to appropriate money to pay for the same.

Also,

H. B. No. 28, by Mr. Herr,

A bill for an act to provide for the construction of a State bridge across the Animas river, in La Plata county, near the city of Durango, and at a point where the Florida Mesa and Durango road cross said river; and to appropriate money for the payment of the same.

Also,

H. B. No. 7, by Mr. Funderburgh,

A bill for an act to construct a State bridge across the Arkansas river, in Prowers county, on the west line of range 44, near the town of Carlton, and to appropriate money for the same.

Also,

H. B. No. 54, by Mr. Lowell,

A bill for an act to transfer a part of the unexpended balance standing to the credit of the stock inspection fund to the legislative cash fund.

Also,

H. B. No. 33, by Mr. Westerman,

A bill for an act to construct a State bridge across Blue river, at or near the town of Breckenridge, in Summit county, and to appropriate money for the payment of the same.

Also,

H. B. No. 40, by Mr. Ammons,

A bill for an act to provide for the construction of a State reservoir on Plum creek, south of the town of Castle Rock, in Douglas county, at the most suitable place, to be selected by a board of construction herein provided for; to appropriate money for the payment of the same, and to provide for the regulation of the flow of water therefrom, and to maintain the expenses of the same, and to provide a penalty for interfering with or damaging the same.

Also,

H. B. No. 20,

A bill for an act to provide for the construction of a wagon road in the county of San Miguel, Colorado, and making an appropriation therefor.

Also,

H. B. No. 18,

A bill for an act to provide for the construction of a bridge across Bear river, in Routt county, at a

point near the Marshall ford, about three miles east of the town of Hayden, and appropriating money for the payment of the same.

Also,

H. B. No. 19,

A bill for an act to provide for the construction of a bridge across White river, in Rio Blanco county, at a point near the government ford, about three miles west of the town of Meeker, and appropriating money for the payment of the same.

Also,

H. B. No. 10, by Mr. Bent,

A bill for an act to construct a State wagon road from a point at the foot of Lake San Christoval, in Hinsdale county, to a point of intersection with the Silverton and Animas Forks wagon road, in San Juan county, and make an appropriation therefor.

Also,

H. B. No. 11,

A bill for an act to provide a public wagon road between Leadville, in Lake county, and the Horseshoe mining district, on Mount Sherman, and make an appropriation therefor.

Also,

H. B. No. 36,

A bill for an act to provide a public wagon road between Idaho Springs, in Clear Creek county, and the county road in Jefferson county, at or near the Miller ranch, in said Jefferson county, and making an appropriation therefor.

Also,

H. B. No. 41,

A bill for an act to provide for the construction of a bridge across the Gunnison river, in Gunnison county, at a point about one and a quarter miles south

of the town of Gunnison, and appropriating money for the payment of the same.

Also,

H. B. No. 47,

A bill for an act to establish and maintain an institution for the care and training of feeble-minded and imbecile children, and making an appropriation therefor.

Also,

H. B. No. 62, by Mr. Heisler,

A bill for an act to provide for the payment of a part of the contingent and incidental expenses of the special session of the Ninth General Assembly of the State of Colorado, and to provide for the compensation of members, officers and employes, and other necessary expenses of said assembly.

Also,

H. B. No. 64, by Mr. Lowell,

A bill for an act to transfer a part of the unexpended balance of the general revenue of 1891 to the legislative cash fund.

Also,

H. B. No. 53,

A bill for an act to construct a State bridge across the Blue river, about two miles north of the town of Breckenridge, in Summit county, on or near section 30, township 6, south of range 77, west sixth principal meridian, and to appropriate money for the payment of the same.

The following bills were read by title and referred to the special standing committee:

H. B. No. 12, by Mr. Bromley,

A bill for an act to regulate the time for payment for the carriage of water in canals or ditches; to punish persons in certain cases; and to provide for notice before allowing injunctions against certain officers.

Also,

H. B. No. 16, by Mr. Carnahan,

A bill for an act entitled an act to amend the homestead exemption laws by repealing section 1632 of the general statutes of the State of Colorado.

Also,

H. B. No. 57, by Mr. Bonyng,

A bill for an act to amend sections eighteen, nineteen and twenty-six of an act entitled, "An act in relation to elections; defining offenses against the same, and prescribing punishments therefor," approved March 7, 1891.

Also,

H. B. No. 3, by Mr. Booth,

A bill for an act to establish the county of Wootton and the county seat thereof; providing for the appointment of its precinct and county officers; fixing the terms of court therein, and attaching the same to certain representative, senatorial and judicial districts.

Also,

H. B. No. 30, by Mr. Hynes,

A bill for an act to repeal section 5 of chapter 77 of the session laws of 1893, entitled "An act concerning damages sustained by agents, servants or employes," approved April 8, 1893.

Also,

H. B. No. 34, by Mr. McKnight,

A bill for an act to amend general section 2567 of Mills' Annotated Statutes of Colorado, entitled an act to exempt certain wages and earnings of debtors from levy and attachment for debts, approved March 28, 1885, in force June 28, 1885, page 202, the same being an act of the General Assembly of 1889, and found on page 463 of session laws of 1889.

Also,

H. B. No. 15, by Mr. Carnahan,

A bill for an act to amend the attachment laws of the State as prescribed by general section 2000 of the general statutes of the State of Colorado.

Also,

H. B. No. 48, by Mr. Sweeney,

A bill for an act concerning deeds of trust and other instruments of like import, and to provide a right of redemption when property is sold by virtue of a deed of trust or other instrument.

Also,

H. B. No. 29, by Mr. Hynes,

A bill for an act concerning the employment of children and young persons, and to repeal all acts or parts of acts inconsistent herewith.

Also,

H. B. No. 24, by Mr. Moore,

A bill for an act to repeal paragraph 13 of section 92 of an act entitled, "An act for an act to provide a code of procedure in civil actions for courts of record in the State of Colorado.

Also,

H. B. No. 61, by Mr. Jenks,

A bill for an act to amend sections two and three of an act entitled an act to regulate the hours of labor of mechanics, workingmen and other laborers, and to prescribe penalties for the violation thereof.

Also,

H. B. No. 49, by Mr. Gordon,

A bill for an act to provide for organization and government of a reservoir and irrigation district in the Arkansas valley, to aid in construction and completion of reservoirs and State canal No. 1.

On motion of Senator McGovney the Senate adjourned until 2 o'clock p. m., to-morrow.

TWENTY-EIGHTH DAY.

TUESDAY, FEBRUARY 6, 1894.

The Senate was called to order at 2 o'clock p. m.
Lieutenant Governor Nichols presiding.

Quorum present.

The journal of the previous day was read and approved.

A petition from the Woman's Union League, urging legislative enactment in extra session, was read.

Senator McGovney presented a petition relative to the formation of a new county including the Cripple Creek mining district, which was referred to the special standing committee.

The following reports were received:

State of Colorado,
Senate Chamber,
Denver, Colo., February 6, 1894.

Mr. President:

Your special committee on House bills, to which was referred H. B. No. 34,

A bill for an act to amend general section 2567 of Mills' annotated statutes, to exempt certain wages of debtors from execution,

Have had the same under consideration and beg leave to recommend that said bill be referred to the committee of the whole without recommendation.

A. B. McKinley,
Chairman.

Report adopted.

State of Colorado,
Senate Chamber,
Denver, Colo., February 6, 1894.

Mr. President:

Your special committee on House bills, to which was referred H. B. No. 26,

A bill for an act to amend section 124, chapter 94, General Statutes of Colorado, entitled "Revenue,"

Have had the same under consideration and beg leave to recommend that the same be referred to the committee of the whole without recommendation.

A. B. McKinley,
Chairman.

Report adopted.

Report of special committee of Senate on House bills:

State of Colorado,
Senate Chamber,
Denver, Colo., February 6, 1894.

Mr. President:

Your special committee on House bills, to which was referred H. B. No. 15,

A bill for an act to amend the attachment law in justice courts,

Have had the same under consideration and beg leave to recommend that sections two and three be added to said bill as follows:

Sec. 2. Whereas, owing to the peculiar trade conditions now existing in Colorado, it is inadvisable to cause any speedy change in laws affecting business, therefore, the provisions of this amendatory act shall not affect any right or remedy accruing prior to the first day of January, A. D. 1895, nor shall they affect any suit pending or instituted on or prior to said date.

Sec. 3. Whereas, in the opinion of the General Assembly an emergency exists; therefore, this act shall not take effect or be in force until the second day of January, A. D. 1895.

That the bill with these recommendations be referred to the committee of the whole.

This bill provides for an amendment of the attachment law in justice courts, and its recommendations follows H. B. No. 24, this day reported by your committee. Our recommendations on this bill are the same as on H. B. No. 24.

A. B. McKinley,
Chairman.

Report adopted.

Report of special committee of Senate on House bills:

State of Colorado,
Senate Chamber,
Denver, Colo., February 6, 1894.

Mr. President:

Your special committee on House bills, to which was referred H. B. No. 24,

A bill for an act to amend section 92 of an act entitled "An act for an act to provide a code of procedure in civil actions for courts of record in the State of Colorado," etc.,

Has had the same under consideration and begs leave to recommend that section two of said act be stricken out, and in lieu thereof sections two and three as follows be adopted:

Sec. 2. Whereas, owing to the peculiar trade conditions now existing in Colorado, it is inadvisable to cause any speedy change in laws affecting business; therefore, the provisions of this amendatory act shall not affect any right or remedy accruing prior to the first day of January, A. D. 1895, nor shall they affect any suit pending or instituted on or prior to said date.

Sec. 3. Whereas, in the opinion of the General Assembly an emergency exists; therefore this act shall not take effect or be in force until the second day of January, A. D. 1895.

That said bill and this report be referred to the committee of the whole.

This is the act which amends the attachment law so as to omit that provision of the present law which allows attachments in courts of record on overdue promissory notes and book accounts.

The section recommended to be stricken out provides that this law shall take effect immediately upon its passage.

Your committee is of the opinion that under the present conditions in Colorado it would be very disastrous to adopt such radical change in the laws underlying business relations without an opportunity for trade to accustom and adjust itself to the new conditions. Believing that a majority of the Senate favors the repeal of this provision of the attachment law, we earnestly recommend that due consideration shall be given to the present business conditions in making any such change. If the law shall not take effect until January 1, 1895, as above recommended, there will be due opportunity for present debtors to relieve themselves to a large extent in the meanwhile. An immediate repeal would doubtless precipitate business disaster, because it might become a race between creditors against the goods of their common debtor at this juncture when the debtor is least able to protect himself.

Your committee further recommends, that if under the call of the governor, not considering the federal jurisdiction which exists in this State, it is nevertheless practicable to pass some adequate pro rate provision, that a proper amendment for this purpose be considered by the committee of the whole. Your committee is unable to agree upon or recommend any

such provision, and therefore makes this suggestion to the committee of the whole.

A. B. McKinley,
Chairman.

That portion of the report referring to the committee of the whole was adopted.

State of Colorado,
Senate Chamber,
Denver, Colo., February 6, 1894.

Mr. President:

A majority of your special committee on House bills, to which was referred H. B. No. 16,

A bill for an act to repeal section 1632 of the General Statutes of the State of Colorado,

Has had the same under consideration and begs leave to recommend that said bill be referred to the committee of the whole and no not pass, for the reason that the only change proposed by this bill with reference to the present homestead law, so far as your committee learns from this bill, is to repeal that section of the law which requires an entry on the county records of the fact of homestead, and by such repeal, leave it to a question of fact relating to the actual occupancy, which would be a matter of less certainty than the record.

A. B. McKinley,
Chairman.

J. G. Johnson,
Robert Turner,
Frank Pryor,
E. W. Merritt.

Mr. President:

A minority of the special committee on House bills recommend that H. B. No. 16, be referred to the committee of the whole with the recommendation that it do pass.

J. H. Painter.

The reports and bill were referred to the committee of the whole.

State of Colorado,
Senate Chamber,
Denver, Colo., February 6, 1894.

Mr. President:

A majority of your special committee on House bills, to which was referred H. B. No. 61,

A bill for an act to amend sections two and three of an act entitled "An act to regulate the hours of labor of mechanics, workingmen, and other laborers," etc.,

Have had the same under consideration and beg leave to recommend that this bill be indefinitely postponed, for the reason that the bill seeks to amend a law passed by this General Assembly only nine months ago. The law at that time was the subject of protracted discussion in both houses of this General Assembly, composed of the same members, and there is no sufficient reason to believe that any change in results would occur by another consideration which would justify the Senate in protracting this session a sufficient length of time to give a proper consideration to the measure.

A. B. McKinley,
Chairman.

J. H. Painter,
Robert Turner,
Frank Pryor,
E. W. Merritt.

Mr. President:

A minority of your committee recommend that H. B. No. 61 be referred to the committee of the whole with the recommendation that it do pass.

J. G. Johnson.

The report was laid over for a day.

State of Colorado,
Senate Chamber,
Denver, Colo., February 6, 1894.

Mr. President:

A majority of your special committee on House bills, to which was referred H. B. No. 30,

A bill for an act to repeal section 5 of chapter 77 of the session laws of 1893, entitled "An act concerning damages sustained by agents, servants or employes,"

Have had the same under consideration and beg leave to recommend that this bill be indefinitely postponed, for the reason that at the regular session of this same General Assembly, comprising the same members of the Senate and House, the present law was enacted after much discussion, conferences between the two houses, etc., and there is no reason to believe that a different judgment would be reached on the subject matter of this legislation by this same General Assembly, and consideration of the measure will only lead to protracted discussion and to a continuance of this extraordinary session without practical results.

A. B. McKinley,
Chairman.

J. H. Painter,
Robert Turner,
E. W. Merritt.

Mr. President:

A minority of your committee recommends that H. B. No. 30 be referred to the committee of the whole with the recommendation that it do pass.

J. G. Johnson,
Frank Pryor.

Report laid over for a day.

State of Colorado,
Senate Chamber,
Denver, Colo., February 6, 1894.

Mr. President:

Your special committee on House bills, to which was referred H. B. No. 12,

A bill for an act to regulate the time for payment for the carriage of water in canals or ditches, etc.,

Have had the same under consideration and beg leave to recommend that said bill be indefinitely postponed for the following reasons:

The subject matter of the proposed legislation in nowise constitutes an extraordinary occasion.

The claim is made by advocates of the present session that relief can be given to the unemployed labor and to unfortunate debtors by the enactment of some general legislation. Certainly, it cannot be claimed that this bill comes within any such claim. A similar bill was considered at the last regular session of this same General Assembly, was the subject of discussion before committees of the Senate and House, passed one body and was defeated in the other after consuming much time of both houses. It is purely the subject of general legislation at a regular session and your committee, believing that some limit should be placed on legislation at this session, recommends the indefinite postponement of this measure.

If such a measure as this is to be considered at the present extraordinary session, then every measure introduced is entitled to full consideration, and instead of limiting the session to the consideration of a few measures of general importance, we will find ourselves involved in a sixty or ninety day session.

A. B. McKinley,
Chairman.

Laid over for a day.

The following report was received:

Report of Committee on Finance:

State of Colorado,
Senate Chamber,
Denver, Colo., February 6, 1894.

Mr. President:

Your committee, to which was referred H. B. No. 7,

A bill for an act to construct a State bridge across the Arkansas river in Prowers county, at or near the west line of range 44, near the town of Carlton, and to appropriate money for the same.

Also,

H. B. No. 19,

A bill for an act to provide for the construction of a bridge across White river, in Rio Blanco county, at a point near the Government ford, about three miles west of the town of Meeker, and appropriating money for the payment of the same.

Also,

H. B. No. 18,

A bill for an act to provide for the construction of a bridge across Bear river, in Routt county, at a point near the Marshall ford, about three miles east of the town of Hayden, and appropriating money for the payment of the same.

H. B. No. 28,

A bill for an act to provide for the construction of a State bridge across the Animas river, in La Plata county, near the city of Durango, and at a point where the Florida Mesa and Durango road cross said river, and to appropriate money for the payment of the same.

Also,

H. B. No. 33,

A bill for an act to construct a State bridge across Blue river, at or near the town of Breckenridge, in Summit county, and to appropriate money for the payment of the same.

Also,

H. B. No. 53,

A bill for an act to construct a State bridge across the Blue river, about two miles north of the town of Breckenridge, in Summit county, on or near section thirty, township six, south of range seventy-seven, west sixth principal meridian, and to appropriate money for the payment of the same.

Also,

H. B. No. 41,

A bill for an act to provide for the construction of a bridge across the Gunnison river, in Gunnison county, at a point about one and a quarter miles south of the town of Gunnison, and appropriating money for the payment of the same.

Also,

H. B. No. 10,

As amended,

A bill for an act to construct a State wagon road from a point at the foot of Lake San Christoval, in Hinsdale county, to a point of intersection with the Silverton and Animas Forks wagon road in San Juan county, and make an appropriation therefor.

Also,

H. B. No. 11,

A bill for an act to provide a public wagon road between Leadville, in Lake county, and the Horse-shoe mining district, on Mount Sherman, and make an appropriation therefor.

Also,

H. B. No. 20,

A bill for an act to provide for the construction of a wagon road in the county of San Miguel, Colorado, and making an appropriation therefor.

Also,

H. B. No. 40,

A bill for an act to provide for the construction of a State reservoir on Plum creek, south of the town of Castle Rock, in Douglas county, at the most suitable place, to be selected by a board of construction herein provided for; to appropriate money for the payment of the same, and to provide for the regulation of the flow of water therefrom, and to maintain the expenses of the same, and to provide a penalty for the interfering with or damaging the same.

Also,

H. B. No. 36,

A bill for an act to provide a public wagon road between Idaho Springs, in Clear Creek county, and the county road in Jefferson county, at or near Miller ranch, in said Jefferson county, and making an appropriation therefor.

Also,

H. B. No. 47,

A bill for an act to establish and maintain an institution for the care and training of feeble-minded and imbecile children and making an appropriation therefor.

Also,

H. B. No. 25,

A bill for an act to provide for the construction of a public wagon road through the range of hills on the south side of the South Platte river, in Logan county, and to appropriate money to pay for the same.

We find that the total amount to the credit of these funds on the 13th day of January, 1894, was..... \$220,031 33

Of this amount was invested in State warrants 178,895 88

Which, deducted from the total amount would leave balance cash available.. \$41,135 45

The Ninth General Assembly made appropriations out of this fund amounting to..... \$124,500 00

Out of which has been paid..... 31,420 37

Leaving a balance of..... \$93,079 63

Yet unpaid, from which deduct cash available 41,335 45

Leaves a deficiency of..... \$51,944 18

To be provided for out of funds arising from the redemption of State warrants invested. Which last amount taken from the total amount invested would leave \$126,951.70 unappropriated and belonging to said funds.

Of the last-named amount is invested in the so-called "excess" warrants \$37,947.00, and therefore will not be available for some time to come, if ever; this leaves \$89,004.70 to the credit of these funds, every dollar of which is invested in State warrants.

There is in the hands of your committee bills passed by the House, appropriating out of these funds, in the aggregate to \$143,000; which is in excess of the amount belonging to the fund \$53,995.30, invested in State warrants.

So far as we are able to judge these measures are equally meritorious, therefore we do not deem it expedient at this time to consider favorably a portion of these bills to the exclusion of others.

The excuse offered for the passage of these bills at this time is not so much the pressing demands for the measures themselves, as to give labor to the unemployed.

If the funds were at our disposal, we would be glad to render assistance in this way, but as there is no money available, and we question the propriety of exchanging the warrants belonging to these funds, in the manner provided, and believing that no such emergency exists, as is contemplated in the constitution with reference to extraordinary sessions, we prefer to leave the various matters referred to in these bills to the Tenth General Assembly for consideration, and we therefore recommend that they be indefinitely postponed.

J. A. Israel,
Chairman.

The report was laid over.

Senator Lockwood presented the following resolution:

State of Colorado,
Senate Chamber,
Denver, Colo., February 6, 1894.

Resolution by Senator Lockwood:

Resolved, That the following persons be employed by the Senate:

For reading clerk, Ed. B. Pitkin.

For janitor, John Richardson.

For pages, Willie Pique, Francis Rodriquez.

Senator Lockwood moved a suspension of the rules for the purpose of considering the resolution, which was unanimously agreed to.

On motion of Senator Lockwood the resolution was unanimously adopted.

The following resolution, introduced by Senator Pease upon a previous occasion, was read:

Resolved, That a committee of three, consisting of Senators Adams, McGovney and Boyd, be appointed to examine into and report to the Senate at a short day, the present condition and the exact amount in cash, warrants and available funds in each of the several funds as now named and denominated in the treasury department and in the hands of the treasurer.

On motion of Senator Pease the resolution was adopted.

The following resolution, introduced by Senator Drake on the previous day, was read:

Resolved, That a committee consisting of three hold-over Senators be appointed by the President of the Senate to inquire into and report to the Senate at this session, or to the Senate of the next General Assembly what disposition has been made of the twenty-five thousand (\$25,000) dollars appropriated by the Seventh General Assembly, by virtue of an act found on page 169 of the session laws of 1889, entitled "An act to appropriate twenty-five thousand dollars to aid in the construction of the Fourteenth street viaduct, situate in the city of Denver, county of Arapahoe," approved April 19, 1889.

Senator Drake moved the adoption of the resolution.

Senator Wheeler moved as an amendment that the committee named in the preceding resolution by Senator Pease be empowered to act in accordance with the resolution, and to report as soon as possible to the present Senate.

The amendment was accepted by Senator Drake.

As amended the resolution was unanimously adopted.

Calling attention to his notice of a protest on the previous day regarding the adoption of the resolution introduced by Senator Lockwood abrogating the

ninth order of business, Senator Drake claimed the right to introduce a bill and presented the same.

Senator Felker raised a point of order that the rule for the introduction of bills had been abrogated by the Senate, and asked for a ruling from the President.

The President sustained the point of order.

Senator Drake appealed from the decision of the chair.

Senator Balsinger was called to the chair.

The President of the Senate took the floor of the Senate and stated that the action of the Senate had been of its own make and not a matter in which he had any interest; that he did not claim to dictate the rights of any Senator on the floor, but that a majority had decided, as a matter of expediting business, that no bills should be introduced in the Senate; that he had no desire to intercept the prerogatives of any Senator, though his ruling might have been wrong on the previous day.

The question being, "Shall the decision of the chair be sustained?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Brown, Felker, Gunnell, Hartzell, Israel, King, Leddy, Lockwood, McGovney, McKinley, Merritt, Painter, Pryor, Swink, Turner, Walters, White—18.

Nays—Senators Armstrong, Balsinger, Boyd, Drake, Graham, Johnson, Mills, Pease, Smith (Costilla), Steck, Timmons, Wheeler—12.

Absent, excused and not voting—Senators Barela, Howes, Newman, Smith (Mesa), Webber—5.

A majority voted to sustain the chair.

Senator Pease arose and asked consent to withdraw from serving on the special standing committee of the Senate, and asked that Senator Barela be appointed in his place.

The resignation was accepted and the change made.

On motion of Senator Hartzell, the Senate resolved itself into committee of the whole with Senator B. L. Smith in the chair.

When the committee arose the chairman made the following report:

Mr. President:

The committee of the whole has had under consideration several bills and recommend that the secretary of the Senate be instructed to provide the Senate with a printed calendar for to-morrow.

B. L. Smith,
Chairman.

The report was adopted.

Senator McKinley moved that the sergeant-at-arms be instructed to place printed copies of House bills before the Senate on the desks of Senators.

The motion prevailed and it was so ordered.

Senator McGovney moved that the secretary of the Senate be authorized to call upon the secretary of state for copies of Mills' Annotated Statutes for the use of Senators, which was agreed to.

Senator Turner introduced the following resolution and moved a suspension of the rules for its consideration and adoption:

Resolved, by Senator Turner, That F. P. Johnson be elected chief clerk on Printing Committee.

The rules were suspended and the resolution was adopted.

The clerks and employes elected by resolution were administered the oath of office.

Vernon Beggs, clerk of the special committee, was sworn in.

On motion of Senator Felker the Senate resolved into executive session.

When the doors were thrown open Senator Felker moved that the nomination of Henry L. Acker to be metalliferous mine inspector be confirmed.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Balsinger, Boyd, Drake, Felker, Graham, Gunnell, Israel, Johnson, Lockwood, Mills, Pease, Pryor, Smith (Costilla), Steck, Swink, Timmons, Walters, Wheeler—20.

Nays—Senators Barela, Hartzell, King, Leddy, McGovney, Merritt, Painter, Turner—8.

Absent, excused and not voting—Senators Barela, McKinley, Smith (Mesa), Webber, White, Newman, Howes—7.

A majority having voted in the affirmative, the nomination was confirmed.

The Senate adjourned.

TWENTY-NINTH DAY.

WEDNESDAY, FEBRUARY 7, 1894.

The Senate was called to order at 10 o'clock a. m.
Lieutenant Governor Nichols presiding.

Quorum present.

Prayer by the chaplain.

The journal of the previous day was read and approved.

Senator Barela, who was absent on the previous day, gave notice that he did not desire to serve on the special committee.

On motion of Senator Pease the name of Senator Timmons was substituted for that of Senator Barela.

Senator Swink presented a petition from citizens of Otero county barring the passage of the Twin Lakes reservoir bill.

Referred to Committee on Finance.

Senator McGovney presented a petition from business men of El Paso county against the formation of a new county including the Cripple Creek mining district.

Referred to special committee.

Senator Gunnell presented a petition from citizens of Lake county against the passage of the bill creating the Twin Lakes reservoir.

Referred to Committee on Finance.

Senator Leddy introduced a resolution nominating a docket clerk.

Senators Walters and Johnson also introduced similar resolutions, all of which were laid over for a day.

Senator McKinley moved that the report of the Finance Committee on H. B. No. 7 be adopted, an adverse report of the previous day.

Senator Drake moved as an amendment that the consideration of the report of the Finance Committee be postponed in order that the Senate might receive a report from the special committee appointed to investigate the State funds and the amounts contained therein.

Senator Balsinger moved as a substitute for all motions that the report of the Committee on Finance be laid on the table.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Balsinger, Brown, Felker, Gunnell, Hartzell, Howes, Israel, King, Leddy,

Lockwood, McGovney, McKinley, Merritt, Pryor, Turner, Walters—17.

Nays—Senators Armstrong, Barela, Boyd, Drake, Graham, Johnson, Mills, Painter, Pease, Smith (Costilla), Steck, Swink, Timmons, Wheeler, White—15.

Absent, excused and not voting—Senators Newman, Smith (Mesa), Webber—3.

A majority having voted in the affirmative, the motion prevailed.

Senator McKinley moved a reconsideration of the vote.

Senator Hartzell moved to lay the motion on the table.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Brown, Felker, Gunnell, Hartzell, Howes, Israel, King, Leddy, Lockwood, McKinley, Merritt, Turner, Walters—13.

Nays—Senators Adams, Armstrong, Balsinger, Barela, Boyd, Drake, Graham, Johnson, McGovney, Mills, Painter, Pease, Pryor, Smith (Costilla), Steck, Swink, Timmons, Wheeler, White—19.

Absent, excused and not voting—Senators Newman, Smith (Mesa), Webber—3.

A majority not having voted in the affirmative, the motion did not prevail.

It was agreed to reconsider the vote whereby the report of the Finance Committee was laid on the table.

The question recurred upon the motion by Senator Drake, to postpone consideration of the report, and the yeas and nays were had with the following result:

Yeas—Senators Armstrong, Balsinger, Barela, Boyd, Drake, Graham, Johnson, Mills, Pease, Smith (Costilla), Steck, Swink, Timmons, Wheeler—14.

Nays—Senators Adams, Brown, Felker, Gunnell, Hartzell, Howes, Israel, Leddy, Lockwood, McGovney, McKinley, Merritt, Painter, Pryor, Turner, Walters, White—17.

Absent, excused and not voting—Senators King, Newman, Smith (Mesa), Webber—4.

A majority not having voted in the affirmative the motion did not prevail.

Senator Pease moved that the bills be recommitted to the Committee on Finance, until the special committee appointed to examine the condition of the State funds, should report to the Senate.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Armstrong, Balsinger, Boyd, Drake, Graham, Johnson, Mills, Pease, Smith (Cossilla), Steck, Swink, Timmons, Wheeler—13.

Nays—Senators Adams, Brown, Felker, Gunnell, Hartzell, Howes, Israel, King, Leddy, Lockwood, McGovney, McKinley, Merritt, Painter, Pryor, Turner, Walters, White—18.

Absent, excused and not voting—Senators Barela, Newman, Smith (Mesa), Webber—4.

A majority not having voted in the affirmative the motion did not prevail.

A motion by Senator Drake to take a recess was not agreed to.

The question recurred upon the motion of Senator McKinley to adopt the report.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Barela, Boyd, Brown, Drake, Felker, Gunnell, Hartzell, Howes, Israel, King, Leddy, Lockwood, McGovney, Merritt, Painter, Pease, Pryor, Turner, Walters, White—22.

Nays—Senators Balsinger, Graham, Mills, Smith (Costilla), Steck, Swink, Timmons, Wheeler—8.

Absent, excused and not voting—Senators Johnson, McKinley, Newman, Smith (Mesa), Webber—5.

A majority having voted in the affirmative the motion prevailed and the report was adopted.

A recess was taken until 2 o'clock p. m.

AFTERNOON SESSION.

The Senate resumed its sitting at 2 o'clock p. m.

The order for the hour being the consideration of the adverse report of the Finance Committee on House bills.

Senator Israel moved that the report of the Committee on Finance on H. B. No. 19 to indefinitely postpone, be adopted.

The following communication was received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., February 7, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives has passed

H. B. No. 39,

A bill for an act to construct, operate and maintain State canal No. 2, in Mesa county, by free labor, and provide for the use of unemployed convicts thereupon; the creation of a board of control of the same, and to make appropriations therefor; and to repeal an act entitled, "An act to construct, maintain and operate a State ditch in Mesa county, Colorado, and for the use of unemployed convicts in constructing

the same," approved April 16, 1891, and other acts and parts of acts inconsistent herewith.

Emergency clause attached.

Also,

H. B. No. 78,

A bill for an act to transfer the surplus revenues of 1893, or of 1890, as the case may be, to the legislative cash fund and providing for the disposition of any surplus in said fund.

Emergency clause attached.

The bills are herewith respectfully transmitted.

Jno. R. Wallingford,
Chief Clerk.

Senator B. L. Smith moved an amendment to the motion by Senator Israel regarding the disposition of H. B. No. 19, that it be referred to the committee of the whole.

Senator Gunnell moved an amendment to the amendment that the report of the committee be not concurred in, and that the bill be laid on the table.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Brown, Felker, Gunnell, Hartzell, Howes, Israel, Leddy, Lockwood, McGovney, Merritt, Swink, Turner, Walters—14.

Nays—Senators Armstrong, Barela, Boyd, Drake, Graham, Johnson, Mills, Painter, Pease, Pryor, Smith (Costilla), Steck, Timmons, Wheeler—14.

Absent, excused and not voting—Senators Balsinger, King, McKinley, Newman, Smith (Mesa), Weber, White—7.

A majority not having voted in the affirmative, the vote being a tie, the President voted nay and declared the motion lost.

The question recurring upon the motion of Senator Smith to refer the bills to the committee of the whole, the yeas and nays were had with the following result:

Yeas—Senators Armstrong, Barela, Boyd, Drake, Graham, Johnson, Mills, Pease, Pryor, Smith (Costilla), Steck, Timmons, Wheeler—13.

Nays—Senators Adams, Brown, Felker, Gunnell, Hartzell, Howes, Israel, Leddy, Lockwood, McGovney, Merritt, Painter, Swink, Turner, Walters—15.

Absent, excused and not voting—Senators Balsinger, King, McKinley, Newman, Smith (Mesa), Weber, White—7.

A majority not having voted in the affirmative, the motion did not prevail.

The question being, "Shall the report of the committee be adopted?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Brown, Felker, Gunnell, Hartzell, Howes, Israel, Leddy, Lockwood, McGovney, Merritt, Painter, Swink, Turner, Walters—15.

Nays—Senators Armstrong, Barela, Boyd, Drake, Graham, Johnson, Mills, Pease, Pryor, Smith (Costilla), Steck, Timmons, Wheeler—13.

Absent, excused and not voting—Senators Balsinger, King, McKinley, Newman, Smith (Mesa), Weber, White—7.

A majority having voted in the affirmative the motion prevailed and the report was adopted and the bill was indefinitely postponed.

Senator Israel moved that the report of the committee on H. B. No. 18 be adopted.

Senator Gunnell moved as an amendment that the bill be laid on the table.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Barela, Boyd, Brown, Drake, Graham, Gunnell, Hartzell, Howes, Israel, Johnson, Leddy, Lockwood, McGovney, Merritt, Mills, Pease, Pryor, Walters—19.

Nays—Senators Felker, Painter, Smith (Costilla), Steck, Swink, Timmons, Turner, Wheeler—8.

Absent, excused and not voting—Senators Armstrong, Balsinger, King, McKinley, Newman, Smith (Mesa), Webber, White—8.

A majority having voted in the affirmative the motion prevailed and the bill was laid on the table.

Senator Israel moved the adoption of the report of the committee on H. B. No. 28.

Senator Smith moved as an amendment that the bill be referred to the committee of the whole.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Armstrong, Barela, Boyd, Drake, Graham, Johnson, Mills, Pease, Smith (Costilla), Steck, Timmons, Wheeler—12.

Nays—Senators Adams, Brown, Felker, Gunnell, Hartzell, Howes, Israel, King, Leddy, Lockwood, McGovney, Merritt, Painter, Pryor, Swink, Turner, Walters—17.

Absent, excused and not voting—Senators Balsinger, McKinley, Newman, Smith (Mesa), Webber, White—6.

A majority not having voted in the affirmative the motion did not prevail.

The question being, "Shall the report of the committee be adopted?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Brown, Felker, Gunnell, Hartzell, Howes, Israel, King, Leddy, Lockwood, McGovney, Merritt, Painter, Pryor, Swink, Turner, Walters—17.

Nays—Senators Armstrong, Barela, Boyd, Drake, Graham, Johnson, Mills, Pease, Smith (Costilla), Steck, Timmons, Wheeler—12.

Absent, excused and not voting—Senators Balsinger, McKinley, Newman, Smith (Mesa), Webber, White—6.

A majority having voted in the affirmative the report was adopted and the bill was indefinitely postponed.

Senator Israel moved that the report of the committee on H. B. No. 33 be adopted.

Senator Graham moved as an amendment that the bill be laid on the table.

The motion did not prevail.

Senator Wheeler moved that the bill be referred to the committee of the whole.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Armstrong, Barela, Boyd, Graham, Johnson, Mills, Pease, Smith (Costilla), Steck, Timmons, Wheeler—11.

Nays—Senators Adams, Brown, Drake, Felker, Gunnell, Hartzell, Howes, Israel, King, Leddy, Lockwood, McGovney, Merritt, Painter, Pryor, Swink, Turner, Walters—18.

Absent, excused and not voting—Senators Balsinger, McKinley, Newman, Smith (Mesa), Webber, White—6.

A majority not having voted in the affirmative, the motion did not prevail.

The question being, "Shall the report of the committee be adopted?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Brown, Drake, Felker, Gunnell, Hartzell, Howes, Israel, King, Leddy, Lockwood, McGovney, Merritt, Painter, Pryor, Swink, Turner, Walters—18.

Nays—Senators Armstrong, Barela, Boyd, Graham, Johnson, Mills, Pease, Smith (Costilla), Steck, Timmons, Wheeler—11.

Absent, excused and not voting—Senators Balsinger, McKinley, Newman, Smith (Mesa), Webber, White—6.

A majority having voted in the affirmative, the report was adopted and the bill was indefinitely postponed.

Senator Hartzell moved the adoption of the report of the committee on H. B. No. 53.

Senator Graham moved as an amendment that the bill be laid on the table.

The question being, "Shall the motion prevail to lay on the table?" the yeas and nays were had with the following result:

Yeas—Senators Armstrong, Barela, Boyd, Drake, Graham, Johnson, Mills, Pease, Smith (Costilla), Steck—10.

Nays—Senators Adams, Brown, Felker, Gunnell, Hartzell, Howes, Israel, King, Leddy, Lockwood, McGovney, Merritt, Painter, Pryor, Swink, Timmons, Turner, Walters—18.

Absent, excused and not voting—Senators Balsinger, McKinley, Newman, Smith (Mesa), Webber, Wheeler, White—7.

A majority not having voted in the affirmative, the motion did not prevail.

The question being upon the adoption of the report, the yeas and nays were had with the following result:

Yeas—Senators Adams, Brown, Felker, Gunnell, Hartzell, Howes, Israel, King, Leddy, Lockwood, McGovney, Merritt, Painter, Pryor, Swink, Turner, Walters—17.

Nays—Senators Armstrong, Barela, Boyd, Drake, Graham, Johnson, Mills, Pease, Smith (Costilla), Steck, Timmons, Wheeler—12.

Absent, excused and not voting—Senators Balsinger, McKinley, Newman, Smith (Mesa), Webber, White—6.

A majority having voted in the affirmative, the report was adopted and the bill was indefinitely postponed.

Senator Felker moved that the report of the committee on H. B. No. 41 be adopted.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Brown, Felker, Hartzell, Howes, King, Leddy, Lockwood, McGovney, Merritt, Painter, Pryor, Swink, Turner, Walters, Wheeler—16.

Nays—Senators Armstrong, Barela, Boyd, Drake, Graham, Johnson, Mills, Pease, Smith (Costilla), Steck, Timmons—11.

Absent, excused and not voting—Senators Balsinger, Gunnell, Israel, McKinley, Newman, Smith (Mesa), Webber, White—8.

A majority having voted in the affirmative the report was adopted and the bill was indefinitely postponed.

Senator Wheeler announced that he had voted aye for the purpose of moving a reconsideration.

Senator Hartzell moved that the recommendations of the committee to indefinitely postpone H. B. No. 10 be adopted.

Senator B. L. Smith asked permission to have a statement read concerning the bill.

The statement was read.

Senator Johnson moved that the bill be laid on the table.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Armstrong, Balsinger, Barela, Boyd, Drake, Graham, Johnson, Mills, Pease, Smith (Costilla), Steck, Timmons, Wheeler—13.

Nays—Senators Adams, Brown, Felker, Gunnell, Hartzell, Howes, Israel, King, Leddy, Lockwood, McGovney, Merritt, Painter, Pryor, Swink, Turner, Walters—17.

Absent, excused and not voting—Senators McKinley, Newman, Smith (Mesa), Webber, White—5.

A majority not having voted in the affirmative the motion did not prevail.

The question being upon the adoption of the report the yeas and nays were had with the following result:

Yeas—Senators Adams, Brown, Felker, Gunnell, Hartzell, Howes, Israel, King, Leddy, Lockwood, McGovney, Merritt, Painter, Pryor, Smith (Costilla), Swink, Turner, Walters—18.

Nays—Senators Armstrong, Balsinger, Barela, Boyd, Drake, Graham, Johnson, Mills, Pease, Steck, Timmons, Wheeler—12.

Absent, excused and not voting—Senators McKinley, Newman, Smith (Mesa), Webber, White—5.

Senator Smith gave notice that he had voted aye for the purpose of moving a reconsideration.

A majority having voted in the affirmative the motion prevailed and the report was adopted.

The question being upon the adoption of the report as related to H. B. No. 11, the yeas and nays were had with the following result:

Yeas—Senators Adams, Brown, Drake, Felker, Hartzell, Howes, Israel, King, Leddy, Lockwood, McGovney, Merritt, Painter, Pryor, Smith (Costilla), Swink, Turner, Walters—18.

Nays—Senators Armstrong, Balsinger, Barela, Boyd, Graham, Gunnell, Johnson, Mills, Pease, Steck, Timmons, Wheeler—12.

Absent, excused and not voting—Senators McKinley, Newman, Smith (Mesa), Webber. White—5.

A majority having voted in the affirmative the motion prevailed and the bill was indefinitely postponed.

The question being upon the adoption of the report to indefinitely postpone H. B. No. 20, the yeas and nays were had with the following result:

Yeas—Senators Adams, Brown, Felker, Gunnell, Hartzell, Howes, Israel, King, Leddy, Lockwood, McGovney, Merritt, Painter, Pryor, Swink, Turner, Walters—17.

Nays—Senators Armstrong, Balsinger, Barela, Boyd, Drake, Graham, Johnson, Mills, Pease, Smith (Costilla), Steck, Timmons, Wheeler—13.

Absent, excused and not voting—Senators McKinley, Newman, Smith (Mesa), Webber, White—5.

A majority having voted in the affirmative, the report was adopted.

The question being, "Shall the report of the committee on H. B. No. 40 be adopted?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Boyd, Brown, Felker, Gunnell, Hartzell, Howes, Israel, Johnson, King, Leddy, Lockwood, McGovney, Merritt, Painter, Pryor, Swink, Timmons, Turner, Walters, Wheeler—21.

Nays—Senators Armstrong, Balsinger, Barela, Drake, Graham, Mills, Smith (Costilla), Steck—8.

Absent, excused and not voting—Senators McKinley, Newman, Pease, Smith (Mesa), Webber, White—6.

A majority having voted in the affirmative, the report was adopted.

The question being upon the adoption of the report on H. B. No. 36, the yeas and nays were had with the following result:

Yeas—Senators Adams, Brown, Felker, Gunnell, Hartzell, Howes, Israel, Johnson, King, Leddy, Lockwood, McGovney, Merritt, Mills, Painter, Pryor, Swink, Turner, Walters—19.

Nays—Senators Armstrong, Balsinger, Barela, Boyd, Drake, Graham, Smith (Costilla), Steck, Timmons, Wheeler—10.

Absent, excused and not voting—Senators McKinley, Newman, Pease, Smith (Mesa), Webber, White—6.

A majority having voted in the affirmative, the motion prevailed and the bill was indefinitely postponed.

Senator Israel moved the adoption of the report on H. B. No. 47.

Senator Painter moved as an amendment that the bill be referred to the committee of the whole and the report be not concurred in.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Armstrong, Barela, Johnson, Merritt, Mills, Painter, Steck, Timmons, Wheeler—9.

Nays—Senators Adams, Balsinger, Boyd, Brown, Drake, Felker, Graham, Gunnell, Hartzell, Howes, Israel, King, Leddy, Lockwood, McGovney, Pryor, Smith (Costilla), Swink, Turner, Walters—20.

Absent, excused and not voting—Senators McKinley, Pease, Smith (Mesa), Webber, White, Newman—6.

A majority not having voted in the affirmative, the motion did not prevail.

The question being upon the adoption of the report the yeas and nays were had with the following result:

Yeas—Senators Adams, Balsinger, Boyd, Brown, Drake, Felker, Graham, Gunnell, Hartzell, Howes, Israel, King, Leddy, Lockwood, McGovney, Pryor, Smith (Costilla), Swink, Turner, Walters—20.

Nays—Senators Armstrong, Barela, Johnson, Merritt, Mills, Painter, Steck, Timmons, Wheeler—9.

Absent, excused and not voting—Senators McKinley, Newman, Pease, Smith (Mesa), Webber, White—6.

A majority having voted in the affirmative the report was adopted and the bill indefinitely postponed.

Senator Israel moved that the recommendations of the committee on H. B. No. 25 be adopted.

Senator Painter moved as an amendment that the bill be laid on the table.

The question being upon the amendment the yeas and nays were had with the following result:

Yeas—Senators Armstrong, Drake, Graham, Painter, Smith (Costilla), Steck, Wheeler—7.

Nays—Senators Adams, Balsinger, Boyd, Brown, Felker, Gunnell, Hartzell, Howes, Israel, Johnson, King, Leddy, Lockwood, McGovney, Merritt, Mills, Pryor, Swink, Timmons, Turner, Walters—21.

Absent, excused and not voting—Senators McKinley, Newman, Pease, Smith (Mesa), Webber, White—6.

A majority not having voted in the affirmative the motion did not prevail.

The question being "Shall the report be adopted?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Boyd, Brown, Drake, Felker, Gunnell, Hartzell, Howes, Israel, Johnson, King, Leddy, Lockwood, McGovney, Merritt, Mills, Pryor, Swink, Timmons, Turner, Walters—21.

Nays—Senators Armstrong, Balsinger, Barela, Graham, Painter, Smith (Costilla), Steck, Wheeler—8.

Absent, excused and not voting—Senators McKinley, Newman, Pease, Smith (Mesa), Webber, White—6.

A majority having voted in the affirmative the report was adopted and the bill was indefinitely postponed.

The majority and minority reports of the special committee on H. B. No. 61 were taken up for consideration.

Senator Felker moved the adoption of the majority report.

Senator Johnson moved as an amendment the adoption of the minority report.

The question being upon the amended motion the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Balsinger, Barela, Boyd, Drake, Graham, Johnson, King, Ledy, Lockwood, McGovney, Mills, Smith (Costilla), Steck, Timmons, Walters, Wheeler—18.

Nays—Senators Brown, Felker, Gunnell, Hartzell, Howes, Israel, Merritt, Painter, Pryor, Swink, Turner—11.

Absent, excused and not voting—Senators McKinley, Newman, Pease, Smith (Mesa), Webber, White—6.

A majority having voted in the affirmative the minority report was adopted and the bill was referred to the committee of the whole.

The majority and minority reports of the special standing committee on H. B. No. 30 were taken up.

Senator Felker moved the adoption of the majority report.

Senator Johnson moved as an amendment the adoption of the minority report.

The question being upon the amendment the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Balsinger, Barela, Boyd, Drake, Graham, Johnson, Mills, Pryor, Smith (Costilla), Steck, Timmons, Walters, Wheeler—15.

Nays—Senators Brown, Felker, Gunnell, Hartzell, Howes, Israel, King, Leddy, Lockwood, McGovney, Merritt, Painter, Swink, Turner—14.

Absent, excused and not voting—Senators McKinley, Newman, Pease, Smith (Mesa), Webber, White—6.

A majority having voted in the affirmative the report was adopted and the bill was referred to the committee of the whole.

Senator Felker moved the adoption of the report of the special standing committee on H. B. No. 12.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Boyd, Brown, Felker, Gunnell, Hartzell, Howes, Israel, King, Leddy, Lockwood, Merritt, Painter, Pryor, Swink, Turner—15.

Nays—Senators Adams, Armstrong, Balsinger, Barela, Drake, Graham, McGovney, Mills, Smith (Costilla), Steck, Timmons, Walters, Wheeler—13.

Absent, excused and not voting—Senators McKinley, Newman, Pease, Smith (Mesa), Webber, White, Johnson—7.

A majority having voted in the affirmative, the motion prevailed and the bill was indefinitely postponed.

Senator Felker moved the Senate adjourn.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Brown, Felker, Graham, Gunnell, Hartzell, Howes, Israel, King, Leddy, McGovney,

Merritt, Painter, Pryor, Swink, Timmons, Turner, Walters, Wheeler—18.

Nays—Senators Adams, Armstrong, Balsinger, Barela, Boyd, Drake, Mills, Smith (Costilla), Steck—9.

Absent, excused and not voting—Senators McKinley, Newman, Pease, Smith (Mesa), Webber, White—6.

A majority having voted in the affirmative, the motion prevailed and the Senate adjourned.

THIRTIETH DAY.

THURSDAY, FEBRUARY 8, 1894.

The Senate was called to order at 10 o'clock a. m.

Lieutenant Governor Nichols presiding.

Quorum present.

Prayer by the chaplain.

The journal of the previous day was read and approved.

Senator Leddy presented two petitions from citizens of El Paso county favoring the passage of the bill creating the county of Wootton, which was referred to the special standing committee.

The resolutions presented by Senator Leddy, also by Senator Walters and by Senator Johnson, on the previous day, nominating docket clerks, were read.

Senator Adams moved that the resolution be laid on the table.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Brown, Drake, Gunnell, Hartzell, Howes, Merritt, Painter, Pease, Smith (Coscilla), Steck, Turner, Wheeler, White—14.

Nays—Senators Armstrong, Barela, Boyd, Graham, Israel, Johnson, King, Leddy, McKinley, Mills, Swink, Timmons, Walters—13.

Absent, excused and not voting—Senators Bal-singer, Felker, Lockwood, McGovney, Newman, Pryor, Smith (Mesa), Webber—8.

A majority having voted in the affirmative, the motion prevailed and the resolutions were laid on the table.

The following bills were read the first time and referred to the Committee on Finance:

H. B. No. 78, by Mr. Lowell,

A bill for an act to transfer the surplus revenues of 1893, or of 1891, as the case may be, to the legislative cash fund, and providing for the disposition of any surplus in said fund.

H. B. No. 39, by Mr. Page,

A bill for an act to construct, operate and maintain State canal No. 2, in Mesa county, by free labor, and provide for the use of unemployed convicts thereupon; the creation of a board of control of the same, and to make appropriations therefor; and to repeal an act entitled, "An act to construct, maintain and operate a State ditch in Mesa county, Colorado, and for the use of unemployed convicts in constructing the same," approved April 16, 1891, and other acts and parts of acts inconsistent herewith.

On motion of Senator Hartzell the Senate resolved into a committee of the whole on general orders.

Senator Hartzell was called to the chair.

When the committee arose the chairman made the following report:

Report of the committee of the whole:

Mr. President:

Your committee, to which was referred H. B.'s Nos. 26, 34, 24, 15, 16,

Have had the same under consideration and beg leave to recommend that H. B. No. 34 be indefinitely postponed.

H. B. No. 24 be amended by reincorporating the tenth clause in the printed bill, and changing the last word of the clause from "thereon" to "thereof." Also that the bill be referred to a committee of the attorneys of the Senate with instructions to prepare such pro rate and other amendments as they may deem advisable, also including the special committee recommendations.

Also,

H. B. No. 15 be referred to same committee.

And that bills 24 and 15 be printed with amendments suggested by the committee of the whole.

Also,

H. B. No. 16 be referred to committee of attorneys for revision and amendment.

Chas. Hartzell,
Chairman.

The question being upon the adoption of the report, Senator Smith moved that the Senate take a recess.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Balsinger, Barela, Boyd, Drake, Graham, Johnson, Mills, Smith (Costilla), Steck, Timmons, Walters, Wheeler—14.

Nays—Senators Brown, Felker, Gunnell, Hartzell, Howes, Israel, King, Leddy, Lockwood, McGovney, McKinley, Merritt, Painter, Pease, Pryor, Swink, Turner—17.

Absent, excused and not voting—Senators Newman, Smith (Mesa), Webber and White—4.

A majority not having voted in the affirmative the motion did not prevail.

Senator Smith moved that the report of the committee be amended to refer H. B. No. 34 to the Committee on Labor.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Armstrong, Balsinger, Barela, Drake, Johnson, Mills, Pease, Smith (Costilla), Steck, Timmons, Walters, Wheeler—12.

Nays—Senators Adams, Boyd, Brown, Felker, Gunnell, Hartzell, Howes, Israel, King, Leddy, Lockwood, McGovney, McKinley, Merritt, Painter, Pryor, Swink, Turner—18.

Absent, excused and not voting—Senators Graham, Newman, Smith (Mesa), Webber, White—5.

A majority not having voted in the affirmative, the motion did not prevail.

The question being upon the adoption of the report, the yeas and nays were had with the following result:

Yeas—Senators Adams, Boyd, Brown, Felker, Graham, Gunnell, Hartzell, Howes, Israel, Johnson, King, Leddy, Lockwood, McGovney, McKinley, Merritt, Mills, Painter, Pease, Pryor, Swink, Timmons, Turner, Walters, Wheeler—25.

Nays—Senators Armstrong, Balsinger, Barela, Drake, Smith (Costilla), Steck—6.

Absent, excused and not voting—Senators Newman, Smith (Mesa), Webber, White—4.

A majority having voted in the affirmative, the report was adopted.

A recess was taken until 3 o'clock p. m.

AFTERNOON SESSION.

The Senate resumed its sitting at 3 o'clock p. m.

The Senate resolved into committee of the whole on general orders, with Senator Wheeler in the chair.

When the committee arose the chairman made the following report:

Report of the committee of the whole:

State of Colorado,
Senate Chamber,
Denver, Colo., February 8, 1894.

Mr. President:

The committee of the whole Senate have had under consideration the following bill, which has been read the second time:

H. B. No. 26,

A bill for an act to amend section one hundred and twenty-four of chapter XCIV. of the general statutes of the State of Colorado, entitled "Revenue."

Your committee recommends that the following be substituted and that the same be printed.

Substitute for H. B. No. 26, by the Senate,

A bill for an act concerning revenue and repealing all acts in conflict therewith.

Be it enacted by the General Assembly of the State of Colorado:

Section 1. It shall be the duty of the board of county commissioners of each county to annually advertise for bids for the publishing of delinquent tax sale list of their respective counties, in nonpareil type, in some newspaper printed therein, by giving ten days' notice in a newspaper published at the county seat of the county, and said board of county commissioners shall let the contract for such publication notice to the lowest responsible bidder; but in no case shall the fee therefor exceed twenty-five cents

per inch for the first insertion, and fifteen cents per inch for each subsequent insertion.

Sec. 2. The treasurer shall give notice of the sale of real property by the publication thereof once a week for not less than four weeks, in a newspaper in his county, if there be one, the first of which publication shall be at least four weeks before the day of sale, and by a written or printed notice posted in a conspicuous place on or near the outer door of the office or building commonly used as the office of the treasurer, for not less than four weeks before the sale, and if there be no newspaper published in the county, the like notice shall be given by posting one written notice the above length of time in each election precinct in which any land to be sold is situate, and one on or near the outer door of the treasurer's office as above provided.

Sec. 3. A penalty of fifteen cents for each description of lot or lots, and thirty cents for each description of tract or tracts of land shall be added to the amount of taxes due upon such lot or lots, tract or tracts advertised, immediately after advertising real estate for sale, and shall be collected by him in all cases, and such penalty so collected shall be credited to the general fund of the county by the treasurer. Where two or more lots or tracts of land are sold jointly, for the purpose of computing such penalty, they shall be counted as one.

Sec. 4. On the day designated in the notice of sale, the county treasurer shall commence the sale of those lands and town lots on which the taxes and charges have not been paid, and shall continue the same from day to day, Sundays excepted, until each parcel shall be sold, or so much of each parcel as shall be sufficient to pay the taxes and charges thereon, including all costs and penalties. Where there are two or more lots or tracts of land valued and assessed jointly, the treasurer shall sell the same jointly as assessed. If there shall be no bid for any tract offered, the treasurer shall pass it over for the time

and shall re-offer it at the beginning of the sale next day, until all the tracts are sold, or until the treasurer shall become satisfied that no more sales can be effected, when it shall become his duty to bid off for the county the lands and town lots remaining unsold, for the amount of such taxes, interest and costs thereon. When the county treasurer has so bid off any tract of land or town lot for the county, he shall issue to the county a certificate of purchase as now provided by law. Any person may, at any time within three years from the date of such certificate, deposit with the treasurer of such county the total amount due upon such certificate due and unpaid, and interest thereon since the date of such certificate, whereupon the clerk of the county shall assign such certificate to such person, and the treasurer shall give such person a receipt for any and all subsequent taxes and interest paid by such person, and thereupon such person shall be entitled to all rights and privileges the same as though he were an original purchaser at the tax sale. No taxes assessed against any lands purchased by the county under the provisions of this section shall be payable until the same shall have been derived by the county from the sale or redemption of such lands.

Sec. 5. Real property sold under the provisions of this act may be redeemed by the owner, his agent, assignee or attorney, or by any person having any legal or equitable claim therein, at any time before the expiration of three years from the date of sale, and at any time before the execution of the treasurer's deed to the purchaser, his heirs or assigns, by the payment to the county treasurer of the proper county, to be held by him subject to the order of the purchaser, of the amount for which the same was sold, with interest thereon at the rate of twenty-four per cent. per annum from the date of sale, together with the amount of all taxes accruing on such real estate after the first sale paid by the purchaser on his certificate of purchase, with interest

thereon at the rate of twelve per cent. per annum on such taxes so paid subsequent to such sale; but if said subsequent taxes should be paid before the time when unpaid taxes levied for that year would become delinquent, interest shall only be computed from the time of their delinquency; Provided, That this amendment shall not affect any certificates now outstanding, except subsequent taxes paid thereon, but the interest and penalties shall be computed in accordance with the law in force at the date of sale; Provided, further, That all statutory fees paid by the purchaser in connection with such certificate shall bear the same rate of interest and penalties as the original amount for which the property was sold, the same to be pro rated among the several tracts described in said certificate, but in no case to exceed ten cents each.

Sec. 6. All acts and parts of acts in conflict with this act are hereby repealed.

Sec. 7. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

B. Clark Wheeler,
Chairman.

On motion of Senator Wheeler the report was adopted.

Senator Gunnell obtained unanimous consent to be excused until Monday next.

The Senate adjourned.

THIRTY-FIRST DAY.

FRIDAY, FEBRUARY 9, 1894.

The Senate was called to order at 10 o'clock a. m.
Lientenant Governor Nichols presiding.
Quorum present.

Prayer by the chaplain.

The journal of the previous day was read and approved.

The following report was received:

Report of Committee on Printing:

State of Colorado,
Senate Chamber,
Denver, Colo., February 9, 1894.

Mr. President:

Your committee to which was referred substitute for H. B. No. 26, with instructions to have them printed, beg leave to report the same correctly printed.

Robert Turner,
Chairman.

The Senate resolved into committee of the whole for the consideration of H. B. No. 26, with Senator Adams in the chair.

When the committee arose the chairman made the following report:

Report of committee of the whole:

State of Colorado,
Senate Chamber,
Denver, Colo., February 9, 1894.

Mr. President:

Your committee to which was referred substitute for H. B. No. 26,

Have had the same under consideration and beg leave to recommend that the substitute be amended as follows:

That in line 3, section 1, the words "in nonpareil type" be stricken out.

That the end of line 3, section 1, after the word "newspaper," the words "of general circulation" be inserted.

That in line 6, section 1, after the word "bidder," be inserted the words "circulation considered."

That in line 7, section 1, the words "twenty-five" be stricken out and there be inserted the words "thirty-five."

That in line 8, section 1, the word "fifteen" be stricken out and there be inserted the word "twenty."

That in section 2, all after the word "weeks" in line 2 up to and including the word "one" in line 3, be stricken out and there be inserted in lieu thereof the words "in the newspaper which has been awarded the contract by the county commissioners."

That in section 3 the word "him" be stricken out in line 4 and the words "the treasurer" be inserted.

That in section 3, line 6, the words "by the treasurer" be stricken out.

That in section 5, line 16, after the words "thereon" the words "after the passage of this act."

And that the bill be recommitted to Senator McGovney as a special committee for further amendments.

W. H. Adams,
Chairman.

On motion of Senator Adams the report was adopted.

On motion of Senator Barela Senator Felker was made the chairman of the special committee of attorneys of the Senate selected to consider certain bills.

The following reports were received:

Report of Committee on Printing:

State of Colorado,
Senate Chamber,
Denver, Colo., February 8, 1894.

Mr. President:

Your committee to which was referred H. B.'s Nos. 15 and 24, as amended by the Senate, with in-

structions to have them printed, beg leave to report the same correctly printed.

Robert Turner,
Chairman.

State of Colorado,
Senate Chamber,
Denver, Colo., February 8, 1894.

Mr. President:

Your special committee on House bills, to which was referred H. B. No. 29,

A bill for an act concerning the employment of children and young persons, and to repeal all acts or parts of acts inconsistent therewith,

Have had the same under consideration and beg leave to recommend that said bill be referred to the committee of the whole with the recommendation that the same be indefinitely postponed, for the reason that the committee believe it is unwise, and that the present stage of development of industries employing child labor is not yet such in Colorado as requires such a radical measure.

A. B. McKinley,
Chairman.

State of Colorado,
Senate Chamber,
Denver, Colo., February 8, 1894.

Mr. President:

Your committee on House bills, to which was referred H. B. No. 48,

A bill for an act concerning deeds of trust and other instruments of like purport, and to provide a right of redemption, etc.,

Have had the same under consideration and beg leave to recommend that said bill be referred to the committee of the whole with the recommendation that it do not pass in its present form.

A. B. McKinley,
Chairman.

State of Colorado,
Senate Chamber,
Denver, Colo., February 8, 1894.

Mr. President:

Your committee on House bills, to which was referred H. B. No. 57,

A bill for an act to amend sections 18, 19 and 26 of an act entitled, "An act in relation to elections," defining offenses, etc.,

Have had the same under consideration and beg leave to recommend that said bill be referred to the committee of the whole without recommendation.

A. B. McKinley,
Chairman.

The report was adopted.

A recess was taken until 2:30 o'clock p. m.

AFTERNOON SESSION.

The Senate resumed its sitting at 2:30 o'clock p. m.

Senator Balsinger was excused from attendance for the day.

Senator Pryor was excused from attendance until Monday next.

The following message was received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., February 9, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives has passed,

Without the emergency clause,

H. B. No. 52, by Mr. Booth,

A bill for an act in relation to State canal No. 1; creating the board of control for the construction, operation and maintenance for said canal; authorizing said board to purchase from the state board of land commissioners certain school land lying under the line of said canal; providing that the state board of land commissioners may sell said lands to the board of control; providing the manner, means and terms of said purchase and sale, and the manner, means and terms of constructing and paying for the construction of said canal; making appropriations, etc.

Also,

H. B. No. 71, by Mr. Cannon,

A bill for an act in relation to mortgages and deeds of trust.

Said bills are herewith respectfully transmitted.

John R. Wallingford,
Chief Clerk.

The following bills were read the first time and referred:

H. B. No. 52, by Mr. Booth,

A bill for an act in relation to State Canal No. 1; creating the board of control for the construction, operation and maintenance for said canal; authorizing said board to purchase from the State board of land commissioners certain school land lying under the line of said canal; providing that the State board of land commissioners may sell said lands to the board of control; providing the manner, means and terms of said purchase and sale, and the manner, means and terms of constructing and paying for the construction of said canal; making appropriations for incidental expenses of said board of control; providing penalties for the violation of this act, and repeal of said canal; making appropriations, etc., for incidental expenses of said board of control; providing

penalties for the violation of this act, and repealing all acts in conflict with this act.

Referred to Committee on Finance.

Also,

H. B. No. 71, by Mr. Cannon,

A bill for an act in relation to mortgages and deeds of trust.

Referred to special committee.

The Senate resolved into committee of the whole.

Senator McGovney was called to the chair.

When the committee arose the chairman made the following report:

Report of the committee of the whole:

Mr. President:

Your committee, to which was referred H. B.'s No. 61, 29, 48 and 57,

Have had the same under consideration and beg leave to recommend that of H. B. No. 61,

Section 1 be adopted as read.

That section 2 be stricken out.

And that the bill be referred to Committee on Revision.

Also,

H. B. No. 29 be indefinitely postponed.

Also,

H. B. No. 48 be referred to a special committee of three for consideration and report.

Also,

H. B. No. 57 be made a special order for Monday at 2 o'clock p. m.

A. A. McGovney,
Chairman.

The report was adopted.

The President appointed Senators McGovney, Turner and Mills as a special committee to consider H. B. No. 48.

The following report was received:

Report of special committee on House bills:

State of Colorado,
Senate Chamber,
Denver, Colo., February 9, 1894.

Mr. President:

Your committee, to which was referred H. B. No. 49,

A bill for an act for organization and government of a reservoir and irrigation district in the Arkansas valley and to aid in construction of State Canal No. 1, etc.

Have had the same under consideration and beg leave to recommend that said bill be referred to committee of the whole and do not pass for the reason that its subject matter should be considered at a regular session, and in the opinion of your committee the proposed law is not fairly within the governor's call for the present extra session.

A. B. McKinley,
Chairman.

On motion of Senator Wheeler the report was adopted so far as referring the bill to the committee of the whole recommended.

Senator Hartzell moved that the Senate adjourn.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Barela, Brown, Drake, Felker, Hartzell, Howes, Israel, King, Leddy, Lockwood, McGovney, McKinley, Merritt, Painter, Swink, Turner, Walters, White—19.

Nays—Senators Armstrong, Boyd, Graham, Johnson, Mills, Smith (Costilla), Steck, Timmons, Webber, Wheeler—10.

Absent, excused and not voting—Senators Balingier, Gunnell, Newman, Pease, Pryor, Smith (Mesa)—6.

A majority having voted in the affirmative the Senate adjourned.

THIRTY-SECOND DAY.

SATURDAY, FEBRUARY 10, 1894.

The Senate was called to order at 10 o'clock.

Lieutenant Governor Nichols presiding.

Quorum present.

Prayer by the chaplain.

The journal of the previous day was read and approved.

Senator McGovney moved that the vote whereby the recommendation of the committee of the whole was adopted on February 8, indefinitely postponing H. B. No. 34, be reconsidered.

The motion prevailed to reconsider and the vote was reconsidered.

The question recurring upon the adoption of the report.

Senator Hartzell moved that the Senate resolve into committee of the whole for a further consideration of the bill.

The motion prevailed and the Senate resolved into committee of the whole.

Senator Boyd was called to the chair.

When the committee arose the chairman made the following report:

Mr. President:

The committee of the whole has had under consideration H. B. No. 34, which has been read at length the second time, and beg leave to recommend that said bill be amended by striking out in lines 4, 5 and 6 all after the word "debtor" in line 4 up to and including the word "same" in line 6, and the words "for each month" be added after "debtor."

And that the bill as amended be referred to a special committee of three for consideration and report to committee of the whole.

That H. B. No. 49 be referred to special committee of hold-over Senators, Boyd, Swink and Johnson, with instructions to examine into the feasibility of said proposed legislation and report to the Tenth General Assembly in connection with their report on State Canal No. 1.

That H. B. No. 57 be re-referred to the special committee to be reported back to the Senate on Monday at 2 p. m.

David Boyd,
Chairman.

Report adopted.

The special committee of attorneys made the following report:

A majority of your committee to which was referred H. B. No. 15, beg leave to report that we have had under consideration and recommend the following amendments to said bill:

First—That subdivision seven of section one be amended so as to read as follows:

Seventh—That the debt is for an article or articles the price or value of which should have been paid at the time of the delivery thereof, and which the said debtor failed or refused to do.

That subdivision numbered seven in said bill be made subdivision eight thereof.

That subdivision eight of said bill be numbered subdivision nine thereof.

That the following sections be added to said bill viz:

Sec. 2. That no final judgment shall be rendered by the justice of the peace in a cause wherein an attachment has been issued and a levy made thereunder, until the expiration of twenty days after such levy has been made; and any creditor of the defendant, upon making and filing an affidavit and undertaking as hereinbefore required of the plaintiff, together with a copy of his claim or demand against the defendant, shall be made a party plaintiff in such action, and may have like remedies against the defendant to secure his claim or demand as given to the original plaintiff.

Sec. 3. After any creditor has been made a party to the action, as hereinbefore provided, a dismissal by the first or any subsequent attaching creditor of his cause of action, or his proceedings in attachment, shall not operate as a dismissal of the attachment proceedings as to any other attaching creditor.

Sec. 4. The final judgment in said action shall be a several judgment, wherein each creditor named as plaintiff shall have and recover of the defendant the amount of his claim or demand as found to be due, together with his costs, and the money realized from the attachment and garnishee proceedings, after paying all costs taxed and included in said several judgments, shall, by an order of the court entered in his docket, be paid to the said several judgment creditors in proportion to the amount of their several claims as adjusted and included in such several judgments; and the surplus of any such moneys, if any, shall be paid to the defendant by order of the court entered in his docket, as aforesaid.

Sec. 5. Whenever several attachment writs shall issue from different justices' courts against the same property of the defendant, the court whose writ

is first levied upon the property of the defendant shall be deemed to have acquired jurisdiction of the property attached, and upon application all attachment proceedings pending against such defendant and property in any other justice's court, shall be transferred to the court having so acquired jurisdiction, where such actions shall be proceeded with in the same manner as though they were originally brought in the court to which they are so removed. And failure to transfer such causes within twenty days after the levy of the first attachment writ, as aforesaid, shall debar the party so failing of the right to pro rate with the party first attaching; Provided, however, That if it shall appear that an attachment against such property, in any suit against the same defendant shall have been issued in any court of record, then the justice shall certify such cause to such court of record, where the same shall be proceeded with as though the same had been originally brought in said court of record; and whenever the claim of an intervenor or subsequent attaching creditor shall exceed the jurisdiction of the justice's court, exclusive of costs, it shall be the duty of such justice of the peace to forthwith certify all such attachment suits and transmit all papers issued or filed in the same, to the county court of such county, and thereafter the cases shall proceed in the same manner as if they had originally been begun in such county court. In all cases in which issues shall be joined upon the several attaching claims, separate trials shall be had thereon; but in default of an issue therein, each creditor shall make proof of his claim to the satisfaction of the justice before judgment shall be rendered therein.

Sec. 6. Whenever it shall satisfactorily appear to the justice of the peace first acquiring jurisdiction that levies of writs of attachment have been made upon property of the defendant sufficient to render the defendant in such suits insolvent, the justice shall, upon application of any creditor whose claim is not

yet due, order that writs of attachment may issue upon such undue claim or demand, in order that such attaching creditor may pro rate upon the attached property and the proceeds thereof, under the provisions of this act. In all such cases where judgment shall be rendered in such suits, there shall be a rebate of interest, if any. And in all cases where attaching creditors have commenced suits in different courts of justices of the peace, and different property has been levied upon in such suits, and the property attached in such different suits shall consist of all the debtor's property, or a sufficient amount thereof to render him insolvent, any creditor may sue out a writ of attachment before the justice of the peace before whom the first levy was made, and upon affidavit of such insolvency, make application to said several justices of the peace to transfer all such cases to the justice of the peace first having acquired jurisdiction of any of defendant's property, and such justices shall immediately transmit all such cases to such court first having acquired jurisdiction, and the property attached in the said several justices' courts shall be turned over to the officer having in custody the property of defendant in such court having first acquired jurisdiction, and thereupon the said justice shall proceed with all such cases as though the same were originally commenced in his court, and the proceeds of all the property, after paying the costs of the several suits, shall be prorated between all of the judgment creditors in proportion to the amount of their respective judgments.

Sec. 7. Whereas, owing to the peculiar trade conditions now existing in Colorado, it is inadvisable to cause any speedy change in laws affecting business; therefore, this act shall not take effect until the first day of January, A. D. 1895; and the provisions of this amendatory act shall not affect any right or remedy accruing prior to that date, nor shall they affect any suit pending or instituted prior thereto.

That the bill, with these recommendations, be referred to the Committee on Printing, to be printed, and that it do pass as thus amended.

W. B. Felker,

The recommendation for printing was adopted.

Mr. President:

Your committee to which was referred H. B. No. 24, beg leave to report that they have had the same under consideration and recommend the following amendments to said bill:

First—That subdivision ten of section one be so amended as to read as follows:

Tenth—That the defendant has failed or refused to pay the price or value of any article or thing delivered to him, which he should have paid for upon the delivery thereof.

That subdivision numbered ten in the said bill be made subdivision eleven thereof.

That subdivision numbered eleven of the said bill be numbered subdivision twelve thereof.

That section two of the said bill be amended to read as follows:

Sec. 2. That no final judgment shall be rendered in a cause wherein an attachment writ has been issued and a levy made thereunder, until the expiration of thirty days after such levy has been made; and any creditor of the defendant making and filing an affidavit and undertaking, as hereinbefore required of the plaintiff, together with his complaint setting forth his claim or demand constituting his cause of action against the defendant, shall, upon application to the court wherein such action is brought, be made a party plaintiff, in such action, and may have like remedies against the defendant to secure his claim or demand, as the law gives to the original plaintiff.

That the following additional section be made to the said bill, viz.:

Sec. 3. After any creditor has been made a party to the action, as hereinbefore provided, a dismissal by the first, or any subsequent attaching creditor of his cause of action, or proceedings in attachment, shall not operate as a dismissal of the attachment proceedings, as to any other attaching creditor; but that the remaining creditors may proceed to final judgment therein the same as though no such dismissal had been made.

Sec. 4. The final judgment in said action shall be a several judgment, wherein each creditor named as plaintiff shall have and recover of the defendant the amount of his claim or demand, as found to be due, together with his costs; and the money realized from the attachment and garnishee proceedings shall, under the direction of the court, after paying all costs taxed and included in the said several judgments, be paid to the said several judgment creditors in proportion to the amount of their several claims as adjusted and included in such several judgments; and the surplus of any such moneys, if any, shall be paid to the defendant by order of the court.

Sec. 5. Whenever it shall satisfactorily appear to the court that levies of writs of attachment have been made upon the property of the defendant sufficient to render the defendant in such suits insolvent, the court, or judge thereof, shall, upon application, order that writs of attachment may issue in suits upon contracts, express or implied, not yet due, in order that such attaching creditors may pro rate upon the attached property and the proceeds thereof under the provisions of this act; Provided, That when judgment shall be rendered in such suits, there shall be a rebatement of interest, if any.

Sec. 6. Whenever the original suit in which a writ of attachment shall be issued and served, shall be begun in the county court of any county in this

State, and the claim of any intervenor or attaching creditor therein, as hereinbefore provided, shall exceed the sum of two thousand dollars, exclusive of costs, it shall be the duty of such court to forthwith certify such case and transmit all papers issued or filed therein, to the district court of such county, and thereafter the case shall proceed in the same manner as if it had been originally begun in such district court. In all cases in which issues shall be joined upon the several complaints or affidavits in attachment, separate trials shall be had, unless otherwise ordered by the court; but in default of an issue therein, each creditor shall make proof of his claim to the satisfaction of the court before judgment shall be rendered therein.

Sec. 7. Whereas, owing to the peculiar trade conditions now existing in Colorado, it is inadvisable to cause any speedy change in laws affecting business; therefore, this act shall not take effect until the first day of January, A. D. 1895, and the provisions of this amendatory act shall not affect any right or remedy accruing prior to that date, nor shall they affect any suit pending or instituted prior thereto.

That the bill, with these recommendations, be referred to the Committee on Printing, to be printed, and that it do pass as thus amended.

W. B. Felker,
Charles Hartzell,
J. H. Painter,
A. B. McKinley,
B. Clark Wheeler,
Geo. E. Pease.

I dissent from the report as to the date of the act being in force—limiting the time to an earlier date.

Amos Steck.

The recommendation for printing was adopted.

Mr. President:

A majority of your special committee to which was referred H. B. No. 16, having had the same un-

der consideration, deem it inexpedient to draw a bill codifying the homestead laws of this State at this extraordinary session. That, while believing important changes should be made in the homestead laws, and deeming such a law of very great importance to the householders of this State, and that great care should be taken in the framing of its provisions, we deem it inadvisable to attempt legislation upon that subject at this time; and so long as the present bill does not propose to change or amend the present law except in the repealing of that portion thereof which requires the fact of the existence of a homestead to be entered upon the margin of the county records, that such repeal would impair the integrity of abstracts of title to property, and leave the question of existence of a homestead resting solely in parol, which would be a matter of greater uncertainty than now exists under the law imposing such record entry to be made, and therefore recommend the indefinite postponement of this measure.

W. B. Felker,
Charles Hartzell,
A. B. McKinley,
D. C. Webber.

A minority of your special committee on the above bill recommend that it be referred to the committee of the whole, and that it do pass.

B. Clark Wheeler,
J. H. Painter.

The report was laid over.

On motion of Senator Hartzell the Senate adjourned until 2 p. m. Monday, February 12.

THIRTY-FOURTH DAY.

MONDAY, FEBRUARY 12, 1894.

The Senate was called to order at 2 o'clock p. m.

Lieutenant Governor Nichols presiding.

Quorum present.

Prayer by the chaplain.

The journal of the previous day was read and approved.

A recess for an hour was taken to allow committees further time to report.

When the Senate resumed its sitting Senator Felker moved that the special order (consideration of H. B. No. 57) be laid over until to-morrow at 2 o'clock p. m.

The motion prevailed.

The following reports were received:

State of Colorado,
Senate Chamber,
Denver, Colo., February 12, 1894.

Mr. President:

Your committee on House bills, to which was referred H. B. No. 71,

A bill for an act in relation to mortgages and deeds of trust,

Have had the same under consideration and beg leave to recommend that said bill be referred to the special committee of Senators, McGovney, Turner and Mills, which now has under consideration H. B. No. 48, relating to deeds of trust, redemption, etc.

A. B. McKinley,
Chairman.

The report was adopted.

Report of Committee on Printing:

State of Colorado,
Senate Chamber,
Denver, Colo., February 12, 1894.

Mr. President:

Your committee, to which was referred amendments proposed to H. B.'s Nos. 15 and 24, with instructions to have them printed, beg leave to report the same correctly printed.

Robert Turner,
Chairman.

Senator Walters introduced the following resolution:

Resolved, That the sergeant-at-arms of the Senate is hereby authorized to engage an assistant door keeper.

On motion of Senator Walters the rules were suspended and the resolution was adopted and Richard Southgate was so appointed.

Senator Boyd presented a petition from Giles Otis Pearce, which was referred back again to the introducer to obtain advice for the action of the Senate.

Senator Felker called up for consideration the adverse report on H. B. No. 16 and moved that the following substitute be accepted in lieu of the report of the special standing committee to indefinitely postpone the bill, which was agreed to.

A bill for an act to amend sections one (1), two (2), three (3), four (4), six (6) and eight (8), and to repeal sections five (5) and seven (7) of chapter fifty-one of the general statutes of the State of Colorado of 1883, entitled "Homestead," and to add three (3) sections thereto.

Section 1. That section 1631, being section 1 of chapter 51 of the general statutes of the State of

Colorado of 1883, entitled "Homestead," be and the same is hereby amended so as to read as follows:

Section 1. Every householder in the State of Colorado, being the head of a family, shall be entitled to a homestead, consisting of any quantity of land not exceeding eighty acres, used for agricultural purposes, and the dwelling house thereon, and its appurtenances, and not included in any town plot, or city or village, or, instead thereof, a quantity of land, not exceeding in amount one-fourth of an acre, being within a recorded town plot, or city, or owned and occupied by any resident of the State, and the same shall not be subject to forced sale on execution, or any other final process, from any court, either State or Federal.

Sec. 2. That section 1632, being section 2 of said chapter 51, entitled "Homestead," is hereby amended so as to read as follows:

Sec. 2. To entitle any owner to the benefit of this act, he or she shall cause the word "homestead" to be entered of record in the margin of his or her recorded title to the same, which marginal entry shall be signed by the owner making such entry, and attested by the clerk and recorder of the county in which the premises in question are situated, together with the date and time of day upon which such marginal entry is so made; but in case the owner of such homestead be the husband or wife of a family, which family is entirely dependent upon him or her for support, and such owner fails or neglects to make such marginal entry, and the husband or wife, or children under the age of twenty-one years so dependent upon the owner for support, desires to retain the premises in question as a homestead, they shall not, by reason of such failure or neglect of the owner, be precluded from claiming such premises as a homestead in case of a levy thereon by virtue of any final process of any court, for the debt of the owner, such claim being made by the said husband, or wife, or infant child aforesaid, by notifying the officer at the time of mak-

ing such levy. Provided, That the owner shall not have a right to make such claim for any debt contracted and payable by such owner.

Sec. 3. Section 1633, being section 3 of said chapter 51, entitled "Homestead," is hereby amended so as to read as follows:

Sec. 3. Such homestead shall only be exempt as provided in this act, while occupied as such by the owner thereof, or his or her family; but removal therefrom, or lack of actual occupation by the owner or his or her family, if for temporary purposes only, shall not be construed to be an abandonment of the homestead.

Sec. 4. Section 1634, being section 4 of said chapter 51, entitled "Homestead," is hereby amended to read as follows:

Sec. 4. When any person dies seized of a homestead, leaving a widow or husband, or minor children, such widow or husband, or minor children shall be entitled to the homestead, and no executor, or administrator shall have the right to the possession of such homestead, or to the rents or profits of the same; but in case there is neither widow, husband, nor minor children, the homestead shall be liable for the debts of the deceased.

Sec. 5. Section 1635, being section 5 of said chapter 51, entitled "Homestead," be, and the same is hereby repealed.

Sec. 6. Section 1636, being section 6 of said chapter 51, entitled "Homestead," be and the same is hereby amended so as to read as follows:

Sec. 6. Such exemption shall not affect any laborer's or mechanic's lien, or extend to any mortgage or trust deed thereon lawfully obtained; Provided, No such mortgage or trust deed, or other alienation of such land by the owner thereof, if a married man or married woman, shall be valid without the signature and acknowledgement of the husband or the wife of such owner.

Sec. 7. Section 1637, being section 7 of said chapter 51, entitled "Homestead," be and the same is hereby repealed.

Sec. 8. That section 1638, being section 8 of said chapter 51, entitled "Homestead," be and the same is hereby amended to read as follows:

Sec. 8. That in the case of the sale by the owner of said homestead, the proceeds thereof shall be exempt from execution, or attachment, or garnishment, and any subsequent homestead acquired by the proceeds of the sale of such homestead, shall likewise be exempt from any final process issued out of any court, either State or Federal; nor shall any judgment or other claim against the owner of such homestead, either sold or newly acquired, be a lien against the same for any purpose whatever; Provided, That this act shall not be so construed as to in any manner relate to judgments or decrees rendered on the foreclosure of mortgages or trust deeds legally obtained, or upon laborers' or mechanics' liens.

Sec. 9. Any person named in section 1 of this act, owning and occupying any dwelling house on land not his own, which land he or she shall be rightfully in possession of by lease or otherwise, and claiming such house as his or her homestead, shall be entitled to the exemption of such dwelling house and all the benefits of this act, and be governed and controlled by this act the same as though he or she owned the premises upon which such house is situate.

Sec. 10. This act shall not apply to any judgments or any debts contracted prior to the passage and taking effect of this act.

Sec. 11. All acts and parts of acts inconsistent with this act are hereby repealed.

Sec. 12. In the opinion of the General Assembly an emergency exists; therefore this act shall take effect and be in force from and after its passage.

The substitute was ordered printed.

The Senate resolved into committee of the whole with Senator Webber in the chair.

When the committee arose the chairman made the following report:

Mr. President:

The committee of the whole Senate has had under consideration several bills which have been read at length the second time, and the committee recommend as follows:

That H. B. No. 30 be indefinitely postponed.

That H. B. No. 24, as amended by the committee heretofore be further amended as recommended by the special committee of attorneys, and that the bill be referred to the Committee on Printing to be printed as amended, and then be referred to the Committee on Revision and do pass.

D. C. Webber,
Chairman.

Senator McKinley moved the adoption of the report.

Senator Armstrong moved as an amendment that the report be amended so as to refer H. B. No. 30 to the Committee on Revision instead of indefinitely postponing the same.

The question being, "Shall the motion prevail to amend?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Barela, Drake, Lockwood, Mills, Pryor, Smith (Costilla), Timmons, Walters, Webber, Wheeler—12.

Nays—Senators Boyd, Brown, Felker, Graham, Gunnell, Howes, Israel, Leddy, McGovney, McKinley, Merritt, Painter, Pease, Steck, Swink, Turner, White—17.

Absent, excused and not voting—Senators Balsinger, Hartzell, Johnson, King, Newman, Smith (Mesa)—6.

A majority not having voted in the affirmative the motion did not prevail.

The question recurred upon the adoption of the report.

The report was adopted.

The Senate adjourned.

THIRTY-FIFTH DAY.

TUESDAY, FEBRUARY 13, 1894.

The Senate was called to order at 10 o'clock.

Quorum present.

Prayer by the chaplain.

The journal of the previous day was read and approved.

Senator Johnson presented a petition from citizens of Fremont county relating to the construction of State Canal No. 1, which was read and referred to the special standing committee of the Senate.

Senator Boyd presented a report on the Giles Otis Pearce petition, which was laid on the table.

On motion of Senator Lockwood the Senate resolved into committee of the whole on general orders.

Senator Turner was called to the chair.

When the committee arose the chairman made the following report:

Report of committee of the whole:

Mr. President:

The committee of the whole Senate has had under consideration H. B. No. 15, which was read at

length, being the second reading of the same, and instruct me to report as follows:

The committee recommends that the title be amended to read as follows: "A bill for an act to amend the attachment laws in justices' courts of the State as prescribed by division 5 of the general statutes of the State of Colorado of 1883."

That section 1 of H. B. be amended by striking out after the figures "62" the words "of the general statutes of Colorado," and inserting after the figures "2,000" the words "of the statutes of Colorado," and striking out the word "whereof" in same line.

That subdivision 6 in the report of committee of attorneys be amended by striking out after the word "may," in line 15, all words up to and including the words "made and," at beginning of line 17, and inserting the word "attaching" between the words "any" and "creditor" in line 15.

That after the word "peace," in line 18, there be inserted the words "at any time before judgment in the first attachment suit instituted."

That the following be added as section 8: All acts and parts of acts inconsistent with this act be and the same are hereby repealed.

And that the sections recommended by the committee of attorneys, with the above amendments thereto, be adopted.

And that said bill as amended be referred to the Printing Committee to be printed and then be referred to the Revision Committee.

Robert Turner,
Chairman.

The report was adopted.

Senator Steck obtained unanimous consent to introduce a resolution relative to executive appoint-

ments which, on motion of Senator Barela, was made a special order for 3 o'clock p. m.

Senator Drake presented S. C. R. No. 7, relative to the site of the Twin Lakes reservoir and moved its adoption.

Senator Gunnell gave notice that he desired to debate the resolution and it was laid over for a day, under the rules.

A recess was taken until 2 o'clock p. m.

AFTERNOON SESSION.

The Senate resumed its sitting at 2 o'clock.

The special order for the hour being H. B. No. 57.

The following report was received from the special standing committee:

State of Colorado,
Senate Chamber,
Denver, Colo., February 13, 1894.

Mr. President:

Your special committee on House bills, which has had under consideration H. B. No. 57, by Mr. Bonynge,

A bill for an act to amend certain sections of an act in relation to elections, etc., beg leave to report:

Your committee returns with the printed House bill a printed substitute for H. B. No. 57, and also a proposed amendment to H. B. No. 57. The substitute is the bill which passed the Senate and House at the regular session of this Assembly, and was vetoed by the governor.

The printed amendment is a proposed amendment to Mr. Bonynge's bill, providing for emblems at the side of the ballot opposite each candidate's name.

After full consideration of the printed H. B. No. 57, in connection with the printed substitute and the printed amendment, a majority of your committee is in favor of the amended bill embodying portions of each of said three printed bills and amendment, as follows:

H. B. No. 57 entire as printed, with four amendments as follows:

Amendment No. 1.—The adoption of amended section 15 of original law, found on pages four and five of the printed substitute bill, relating to resignations, etc., of candidates.

Amendment No. 2.—Amended section 20 of original law, found on pages six and seven of the substitute bill, relating to disposition of controversies arising between candidates and county clerks by the court.

The foregoing two amendments are unanimously agreed to by all the members of the committee, Senators Turner, Timmons, Johnson, Merritt, Pryor, Painter and the chairman.

Amendment No. 3.—The printed amendment providing for an emblem at the side of each candidate's name.

This amendment is favored by Senators Timmons, Turner, Johnson and the chairman.

Senator Painter dissents and Senators Merritt and Pryor defer opinion for the present.

Amendment No. 4.—A separate device at the top of the ballot for each political party or set of candidates, with the provision that a mark against such device shall indicate a straight vote for the entire ticket. If this amendment be adopted it must be formulated in proper language and added to section one of printed H. B. No. 57.

This amendment is favored by Senators Timmons, Turner, Johnson, Pryor and the chairman.

Senator Painter dissents and Senator Merritt defers opinion for the present.

H. B. No. 57 is herewith reported with said amendments for reference to the committee of the whole.

All of which is respectfully submitted,

A. B. McKinley,
Chairman.

Senator McKinley moved that the report so far as the recommendation referring the bill for consideration in committee of the whole, be adopted.

The motion prevailed and it was so referred.

The Senate resolved into committee of the whole on special orders.

Senator Gunnell was called to the chair.

When the committee arose the chairman made the following report:

Report of the committee of the whole:

Mr. President:

The committee of the whole Senate has had under consideration H. B. No. 57.

A bill for an act to amend certain sections in relation to elections. *

The bill has been read at length, being the second reading of the same, and the committee recommends as follows:

That section 1 of H. B. No. 57 be amended by inserting in line 16, printed bill, the amendment concerning emblems, reported by special committee as the fourth amendment, and that section 1 as amended be adopted.

That the first amendment of said committee be adopted and inserted.

That the second amendment be adopted and inserted.

That section 2 of House bill be adopted.

That section 3 of House bill be adopted.

And that said bill be referred back to the special committee to be corrected in accordance herewith, to be printed and reported back to committee of the whole.

A. T. Gunnell,
Chairman.

On motion of Senator Wheeler the report was adopted.

Senator Barela called up the special order for the hour, the resolution introduced by Senator Steck in the forenoon.

Senator Gunnell moved the adoption of the resolution.

Senator Turner moved the resolution be laid on the table.

The motion prevailed and it was so ordered.

Senator Wheeler obtained consent to be absent for two days.

The Senate adjourned.

THIRTY-SIXTH DAY.

WEDNESDAY, FEBRUARY 14, 1894.

The Senate was called to order at 10 o'clock.

Lieutenant Governor Nichols presiding.

Quorum present.

Prayer by the chaplain.

The journal of the previous day was read and approved.

The following report was received:

Report of Committee on Finance:

State of Colorado,
Senate Chamber,
Denver, Colo., February 14, 1894.

Mr. President:

Your committee to which was referred H. B. No. 39,

A bill for an act to construct, operate and maintain State canal No. 2, in Mesa county, by free labor, and to provide for use of unemployed convicts.

Have had the same under consideration and beg leave to recommend that said bill be referred to the committee of the whole for consideration without recommendation.

J. A. Israel,
Chairman.

The report was adopted.

Report of special committee on Senate substitute for H. B. No. 26,

A bill for an act to amend section 124, chapter XCIV. of the general statutes of the State of Colorado, entitled "Revenue,"

Have had the same under consideration and beg leave to recommend that at the end of section 1 there be added the following:

"Standard newspaper column measured and based upon ten lines to an inch."

That the following be made a new section to be known as section 4, to-wit:

When any lands or town lots are offered for sale for any taxes, it shall not be necessary to sell the same as the property of any person or persons, but the notice of such sale shall in all cases give the name of the person or persons against whom such

lots or lands are assessed when the name or names are given on the tax roll. No sale of any lands or town lots for taxes shall be considered invalid on account of its having been charged on the roll in any other name than that of the rightful owner, or charged as unknown; but such land must be in other respects sufficiently described on the tax roll to identify it, and the taxes for which it is sold be due and unpaid at the time of such sale.

That section 4 be changed to read section 5, section 5 to read section 6, section 6 to read section 7 and section 7 to read section 8, and that the bill be referred to the committee of the whole.

A. A. McGovney,
Chairman.

The report was adopted.

S. C. R. No. 7, introduced by Senator Drake on the preceding day, was taken up for consideration and amended.

The resolution was adopted.

The special standing committee presented an adverse report on H. B. No. 3, establishing the county of Wootton, which was laid over under the rules.

The following communication was received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., February 14, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives has concurred in

S. C. R. No. 7,

In relation to securing title to Twin Lakes,

And the same is herewith respectfully transmitted.

John R. Wallingford,
Chief Clerk.

The Senate resolved into committee of the whole on general orders.

Senator Lockwood was called to the chair.

When the committee arose the chairman made the following report:

Report of committee of the whole:

Mr. President:

The committee of the whole Senate has had under consideration H. B. No. 26 and H. B. No. 39.

H. B. No. 26 has been read at length, being the second reading of the same and beg leave to recommend as follows:

That H. B. No. 26 be additionally amended by inserting after the word "newspaper" in line 4, the words "of general circulation."

That the word "it," in line 4, be stricken out and the word "at" substituted.

That the words "county seat of" be stricken out.

That the following words be added at the end of section 1: "Standard newspaper column measured and based upon ten lines to an inch."

That the amendment suggested by Senator McGovney be inserted as section 4, and that the number of other sections be changed to 5, 6, 7 and 8.

That the following words be added to said new section 4: "In counties of the second, third, fourth and fifth classes."

That said bill as amended be referred to the Committee on Printing and then go to the Revision Committee.

That the committee report progress on H. B. No. 39 and ask leave to sit again.

Fred Lockwood,
Chairman.

The report was adopted.

Unanimous consent was given for the presentation of the following report:

Mr. President:

Your Committee on Revision, to which was referred H. B. No. 61,

A bill for an act to amend sections 2 and 3 of an act entitled "An act to regulate the hours of labor," etc.,

Have had the same under consideration and beg leave to recommend that the words "and three," in the title and in section one of said bill be stricken out,

And as so amended the bill be placed on third reading and do pass.

Geo. E. Pease,
Chairman.

The report was adopted and the amendment ordered attached to the bill.

The Senate took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

The Senate resumed its sittings at 2 o'clock p. m.

The following report was received:

State of Colorado,
Senate Chamber,
Denver, Colo., February 14, 1894.

Mr. President:

Your committee to which was referred a substitute for H. B. No. 16, with instructions to have them printed, beg leave to report the same correctly printed.

Robert Turner,
Chairman.

Senator Pease was excused from attendance for to-day.

The Senate resolved itself into committee of the whole with Senator Lockwood in the chair.

When the committee arose the chairman made the following report:

Report of the committee of the whole:

State of Colorado,
Senate Chamber,
Denver, Colo., February 14, 1894.

Mr. President:

The committee of the whole Senate has had under consideration several bills and instruct me to recommend as follows:

H. B. No. 39,

State canal No. 2, which has been read.

The committee beg leave to recommend that the bill and the subject matter be referred to the special committee of hold-over Senators selected to investigate State canal No. 1 for a similar investigation and to report the result to the Tenth General Assembly.

Also,

Substitute for H. B. No. 16,

Which was read at length, being the second reading of the same, and instruct me to recommend same be indefinitely postponed.

Fred Lockwood,
Chairman.

Senator Lockwood moved the adoption of the report.

Senator Webber moved as an amendment that the report be amended so as to refer substitute for H. B. No. 16 to the Committee on Revision and do pass.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Armstrong, Barela, Boyd, Drake, Graham, Johnson, Mills, Smith (Costilla), Steck, Timmons, Walters, Webber—12.

Nays—Senators Adams, Brown, Felker, Gunnell, Hartzell, Howes, Israel, King, Leddy, Lockwood, McGovney, McKinley, Merritt, Painter, Pryor, Swink, Turner—17.

Absent, excused and not voting—Senators Balsinger, Newman, Pease, Smith (Mesa), Wheeler, White—6.

A majority not having voted in the affirmative, the motion did not prevail.

Senator Felker gave notice that he had voted aye for the purpose of moving a reconsideration.

Senator Smith moved as an amendment that the report of the committee be amended to recommend that H. B. No. 39 be referred to the committee of the whole for further consideration.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Armstrong, Barela, Drake, Graham, Johnson, Mills, Pryor, Smith (Costilla), Steck, Timmons, Walters, Webber—12.

Nays—Senators Adams, Boyd, Brown, Felker, Gunnell, Hartzell, Howes, Israel, King, Leddy, Lockwood, McGovney, McKinley, Merritt, Painter, Swink, Turner—17.

Absent, excused and not voting—Senators Balsinger, Newman, Pease, Smith (Mesa), Wheeler and White—6.

A majority not having voted in the affirmative the motion did not prevail.

The question being upon the adoption of the report the yeas and nays were had with the following result:

Yeas—Senators Adams, Boyd, Brown, Felker, Gunnell, Hartzell, Howes, Israel, King, Leddy, Lock-

wood, McGovney, McKinley, Merritt, Painter, Pryor, Swink, Turner—18.

Nays—Senators Armstrong, Barela, Drake, Graham, Johnson, Mills, Smith (Costilla), Steck, Timmons, Walters, Webber—11.

Absent, excused and not voting—Senators Balsinger, Newman, Pease, Smith (Mesa), Wheeler and White—6.

A majority having voted in the affirmative the report was adopted.

The following report was received:

Report of Committee on Printing:

State of Colorado,
Senate Chamber,
Denver, Colo., February 14, 1894.

Mr. President:

Your committee, to which was referred H. B.'s Nos. 15 and 24, as amended by the committee of the whole Senate, with instructions to have them printed,

Beg leave to report the same correctly printed.

Robert Turner,
Chairman.

H. B. No. 61, by Mr. Jenks,

A bill for an act to amend sections two and three of an act entitled an act to regulate the hours of labor of mechanics, workingmen and other laborers, and to prescribe penalties for the violation thereof,

Was read a third time.

The question being, "Shall the bill pass?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Barela, Boyd, Brown, Drake, Graham, Gunnell, Hartzell, Israel, Johnson, King, Leddy, Lockwood, McGovney, McKinley, Merritt, Mills, Painter, Pryor, Smith (Costilla), Steck, Timmons, Turner, Walters, Webber—26.

Nays—Senators Felker, Howes, Swink—3.

Absent, excused and not voting—Senators Balsinger, Newman, Pease, Smith (Mesa), Wheeler and White—6.

A constitutional majority of all the Senators elected having voted in the affirmative, the bill was passed.

The title was read and agreed to.

Senator Webber obtained unanimous consent to be absent for two days.

Senator Hartzell obtained unanimous consent to be absent for one day.

The Senate adjourned.

THIRTY-SEVENTH DAY.

THURSDAY, FEBRUARY 15, 1894.

The Senate was called to order at 10 o'clock a. m.
Lieutenant Governor Nichols presiding.

Quorum present.

Prayer by the chaplain.

The journal of the previous day was read and approved.

The adverse reports of the special standing committee on H. B. No. 3, as follows, was taken up for consideration:

State of Colorado,
Senate Chamber,
Denver, Colo., February 14, 1894.

Mr. President:

Your special committee on House bills, to which was referred H. B. No. 3,

A bill for an act to create the county of Wootton, etc.,

Have had the same under consideration and beg leave to report:

The said bill creates a new county out of portions of El Paso, Park and Jefferson counties, to be called Wootton, with Cripple Creek as county seat. The proposed new county includes 27 townships, of which 17 are taken from the southeastern portion of Park county, and the balance from the western portion of El Paso county, except a small and irregular part from Jefferson county. The advocates of the new county claim an approximate assessed valuation of \$2,000,000, but, with the exception of about \$600,000 taken from Park county (verified by a protesting exhibit from Park county assessor's rolls for 1893), the valuations are somewhat conjectural, or at least not certain.

Your committee granted hearings to all persons who desired to appear and offer arguments for or against the proposed bill.

A large number of persons appeared from El Paso and Park counties, and a number of petitions were presented, which petitions are returned herewith.

The petitions are largely confined to persons living or now being within the proposed new county, and of these a large majority, in number of signers, favor the establishment of the new county. A numerous petition, however, of persons living or now being in the new mining camp of Balfour, Park county, within the proposed new county, opposes the bill.

Of those who appeared personally before your committee the great majority opposed the bill. Representatives of Park county, including many of its officials and representative citizens, were unanimous in their opposition. From Jefferson county no per-

son appeared for or against the bill. From El Paso county, residents of Manitou, Colorado Springs and other portions of the old county, not included in the new, were unanimous in their expressions against the bill; from that portion of El Paso within the new county persons appeared both for and against the creation of the new county.

The main, and in fact the only, substantial reason advanced in favor of the creation of Wootton county, is in the saving of expense to mining litigants, consequent on the establishment of Cripple Creek as a county seat, the creation of new courts, county records, etc., saving traveling and hotel expenses of witnesses, etc., and incidentally the expenditure of money for such matters in the home town of Cripple Creek rather than the remote city of Colorado Springs. It is argued that many mine owners, with small means, are compelled to dispose of portions of their mining claims to meet the increased expense of litigation conducted at so remote a point as Colorado Springs. That there is some merit in this proposition is not to be denied. But the merit is not great enough to counter-balance, or even fairly meet, the objections to the bill.

The detachment of the proposed 17 townships from Park county would leave that county (even on last year's basis, not allowing for the present universal shrinkage in values of property) with only about \$1,300,000 taxable value. Its revenues now, with an assessed valuation of nearly \$1,900,000, are barely sufficient for the requirements of a solvent county. To dismember it in the way proposed would be to cause its insolvency in the near future, a suggestion too monstrous to permit of serious consideration. Park county is one of the oldest county organizations in the State. Its leading industry suffers at this time with the balance of the State. Considerations of absolute justice demand that it shall not be distressed by a depletion of its resources at this critical period.

The new gold mining camp of Balfour—in Hart-sel district—within Park county, protests strongly against being included in the new county, owing to the delay, inconvenience and additional expense of conducting litigation at Cripple Creek instead of Fairplay, as now.

The part of El Paso county left intact objects to the measure, not because of a depletion of its resources (for it is alleged the Cripple Creek district now costs El Paso county \$7 for every one dollar received in taxes), but because at least one-half the mines and other property of Cripple Creek is owned by residents of El Paso. Their convenience is served and economy secured by the trial of causes at Colorado Springs and the dominion of the present county government.

It is admitted, even by advocates of the bill, that taxes in the new county would at once be greater than they are now under the El Paso county government.

There are some ranches in El Paso county, within the proposed new county lines, occupied by men whose interests all lie with the old county. The owners of these ranches, and real estate generally, as well also live stock and all kinds of property, save only mining claims, have nothing to gain by the proposed new county (for they are satisfied with their present county government), and they must face immediately increased taxes. The interests of these people ought not to be lightly considered. They are excellent, because they are permanent citizens, and they have not only a just pride and interest in the county which they have helped to build up, but without counter-advantages their taxes should not be increased.

Of the people from Cripple Creek who appeared before your committee, some favored, some opposed the measure. It is stated a strong undercurrent of substantial property owners and business men oppose the bill. Judging by the signatures to petitions

alone, a large majority, in numbers, of the town and surrounding camps, favor the new county.

Summed up, therefore, the people residing within the proposed new county have excellent and economical county governments, whether they are now within El Paso or Park county. For the sake almost solely of individual litigants, they appeal to this General Assembly for the creation of a new county.

A new county is easy to create, but difficult to disestablish. It is not only a misfortune, but if done wilfully, a wrong, to create a new county which may itself soon become bankrupt, or bankrupt others in its creation.

A safe, stable and economical county government is an inestimable boon to the county inhabitants. Capital is attracted, confidence is assured, prosperity is guaranteed, for the official life of the county stands as an index of the character of the people of the county. El Paso county, without Cripple Creek, won its way to the second rank in Colorado's counties. The people and property owners of Cripple Creek, who invite capital and investments, should think long and well before they voluntarily yield the protection and introduction of El Paso's good name.

The best interests of miners and workingmen are served when the best interests of capital and of the conservative people are served, the statements of agitators to the contrary notwithstanding. Hence what is last stated regarding the real interests of residents within the proposed new county lines—even aside from the objections of Park and El Paso citizens—applies equally as well to the working miners as to the mine owners and taxpayers of Cripple Creek.

In a short while litigation will doubtless decrease, and thereby the only present substantial reason for the new county will disappear. The federal jurisdiction and changes of venue will absorb much of the present initiated litigation. The experience of Leadville, Aspen and Creede proves this beyond dis-

pute. But after this change has come, the new county, should it be created, with its increased taxes, perhaps insolvency, will remain.

The present session being an extraordinary one, only those subjects which will admit of no delay ought to be considered. Your committee believes the subject matter of this legislation can well lie over until a regular session.

Your committee gives its findings and reasons at length, so that this bill may be disposed of without reference to the committee of the whole, and for the further and paramount reason that the members of the committee are deeply sensible of the importance of the Cripple Creek mining district to the immediate future of Colorado. Its people may be well assured of the kindly feelings of this committee, as well as of the Senate; its success is closely identified with the return of prosperity in Colorado. Like the burst of a rainbow in a rainy sky, the gold fields of Cripple Creek came to the succor and rescue of a stricken people during the recent past. Incited by unexpected discoveries in the Cripple Creek region, prospecting has been inaugurated and discoveries of gold properties made in many sections of the State. Deeply appreciative of the confidence Cripple Creek has aided in restoring in Colorado herself and for her in the outer world, your committee, nevertheless, in pursuance of its duty, hoping to serve the greatest good of the greatest number, bids Cripple Creek mining district to wait until many of the present insuperable objections to this new county have passed away.

Your committee recommends that said H. B. No. 3 be indefinitely postponed.

A. B. McKinley,
Chairman.

J. G. Johnson.
Robert Turner.
Frank Pryor.
J. H. Painter.
E. W. Merritt.
Colin Timmons.

Senator Adams moved that the report be adopted as presented by the committee.

The question being, "Shall the report be adopted?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Barela, Boyd, Brown, Graham, Gunnell, Howes, Israel, Johnson, Leddy, Lockwood, McGovney, Painter, Pease, Pryor, Steck, Swink, Timmons, Turner, Walters—20.

Nays—Senators Drake, Mills, Smith (Costilla)—3.

Absent, excused and not voting—Senators Armstrong, Balsinger, Felker, Hartzell, King, McKinley, Merritt, Newman, Smith (Mesa), Webber, Wheeler White—12.

A majority having voted in the affirmative the motion prevailed and the report was adopted to indefinitely postpone H. B. No. 3.

Senator Felker introduced a resolution relating to an adjournment on Saturday, February 17.

Senator Boyd moved a suspension of the rule for the consideration of the resolution.

The question being upon the motion to suspend the rules the yeas and nays were had with the following result:

Yeas—Senators Adams, Boyd, Brown, Felker, Gunnell, Howes, Israel, King, Leddy, Lockwood, McGovney, McKinley, Merritt, Painter, Swink, Walters,—16.

Nays—Senators Armstrong, Barela, Drake, Graham, Johnson, Mills, Pease, Pryor, Smith (Costilla), Steck, Timmons, Turner—12.

Absent, excused and not voting—Senators Balsinger, Hartzell, Newman, Smith (Mesa), Webber, Wheeler and White—7.

A majority of two-thirds of all the Senators voting, not having voted in the affirmative, the motion did not prevail and the resolution was laid over.

Senator McGovney moved that the chairman of the Committee on Engrossment be authorized to select an engrossing clerk.

Senator Steck moved an amendment that J. M. Crawford be selected to do the engrossing for the Senate.

As amended the motion was agreed to, and J. M. Crawford was appointed chief engrossing clerk.

The following communication was received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., February 15, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives has non-concurred in Senate amendments to H. B. No. 61,

A bill for an act to amend sections two and three of an act entitled an act to regulate the hours of labor of mechanics, workingmen and other laborers, and to prescribe penalties for the violation thereof, approved March 27, 1893.

The bill is herewith respectfully transmitted.

John R. Wallingford,
Chief Clerk.

The message from the House relating to H. B. No. 61, was taken up for consideration.

Senator Armstrong moved that the Senate recede from its amendments to the bill.

Senator Boyd moved as an amendment that the Senate insist upon its amendments to H. B. No. 61.

The question being upon the motion to insist upon the amendments the yeas and nays were had with the following result:

Yeas—Senators Boyd, Brown, Felker, Graham, Gunnell, Howes, Israel, King, Leddy, Lockwood, McGovney, McKinley, Merritt, Painter, Steck, Swink, Timmons, Turner—18.

Nays—Senators Adams, Armstrong, Barela, Drake, Johnson, Mills, Pease, Smith (Costilla), Walters—9.

Absent, excused and not voting—Senators Balsinger, Hartzell, Newman, Pryor, Webber, Wheeler, White and Smith (Mesa)—8.

A majority having voted in the affirmative the motion was sustained and the amendments were adhered to.

The following majority and minority reports on H. B. No. 2 were received from the Committee on Finance:

Majority report of Committee on Finance:

State of Colorado,
Senate Chamber,
Denver, Colo., February 15, 1894.

Mr. President:

Your committee, to which was referred H. B. No. 2,

A bill for an act to provide for the construction of a reservoir in township eleven (11) south, ranges eighty (80) and eighty-one (81) west, in the county of Lake; said reservoir to be built on site selected by government survey of 1890, and known as Twin Lakes reservoir site; and to provide a penalty for interfering with or damaging such reservoir, and making an appropriation therefor,

Have had the same under consideration and beg leave to recommend that owing to the Senate as a whole having by resolution requested our Senators and members in Congress to use every effort to secure title to the Twin Lakes site, therefore feel it advisable at this time to appropriate any money at this extraor-

dinary session to aid in construction of said reservoir and respectfully suggest that the bill be referred to three hold-over Senators, having now in charge other bills of like nature, that they may make an intelligent report at the meeting of the Tenth General Assembly.

M. A. Leddy,
W. H. Adams,
Jas. F. Drake.

Adopted.

Report of Committee on Finance:

State of Colorado,
Senate Chamber,
Denver, Colo., February 15, 1894.

Mr. President:

A minority of your committee, to which was referred H. B. No. 2,

A bill for an act to provide for the construction of a reservoir in township eleven (11) south, ranges eighty (80) and eighty-one (81) west, in the county of Lake; said reservoir to be built on site selected by government survey of 1890, and known as Twin Lakes reservoir site; and to provide a penalty for interfering with or damaging such reservoir, and making an appropriation therefor,

Have had the same under consideration and beg leave to recommend that the following be substituted for said bill and that the said substitute be referred to the committee of the whole with the recommendation that it do pass.

J. A. Israel,
A. A. McGovney.

Substitute for H. B. No. 2, by Mr. Crowley,

A bill for an act to provide for the construction of a reservoir in townships eleven (11) south, ranges eighty (80) and eighty-one (81) west, in the county of Lake; said reservoir to be built on site selected by government survey of 1890, and known as Twin

Lakes reservoir site; and to provide a penalty for interfering with or damaging such reservoir, and making an appropriation therefor.

Be it enacted by the General Assembly of the State of Colorado:

Section 1. There is hereby appropriated out of any money in the State treasury belonging to the internal improvement permanent fund, and any money which may hereafter be credited to said fund and not otherwise appropriated, the sum of twenty-five thousand dollars (25,000), or as much thereof as may be necessary, hereinafter provided, for the construction of said reservoir, situated in townships eleven (11) south, ranges eighty (80) and eighty-one (81) west, in the county of Lake, to store the surplus waters of the Arkansas river, Lake creek and the tributaries for the purpose of irrigation and other beneficial uses.

Sec. 2. The State board of land commissioners shall be and hereby are constituted a board for the purpose of constructing said reservoir and taking charge of same, until otherwise ordered.

Sec. 3. The State board of land commissioners, upon the passage and approval of this act, are hereby authorized and directed to select for reservoir purposes the site known as the Twin Lakes and situate in Lake county, Colorado, and to acquire as speedily as possible in the name of the State, the title thereto from the United States government. When said title is so acquired and the same is vested in the State of Colorado, the State engineer shall, under the direction of the said board, make surveys and prepare plans and specifications for the construction thereof, said plans to provide that the dam be constructed so that it may be safely raised in the future to increase the capacity of the said reservoir.

Sec. 4. Upon the preparation of the plans and specifications by the State engineer, it shall be the duty of said board to advertise for bids in accordance therewith, and thereupon they shall let the

contract to the lowest responsible bidder, under such rules and regulations as the board of land commissioners provide. The construction thereof to be under the supervision of the State engineer.

Sec. 5. The auditor of State is hereby authorized to draw warrants for the payment of expenses of building said reservoir, upon vouchers certified to by the aforesaid board, not exceeding the sum of twenty-five thousand dollars (\$25,000.)

Sec. 6. The said reservoir and water works, and the waters when so collected and stored, shall be the property of the State; and the waters so stored shall be turned into the Arkansas river by the present channel of Lake creek and shall be apportioned to the several canals and ditches taken from the Arkansas river according to their priorities.

Sec. 7. Upon the completion of the work herein provided for, the State engineer shall appoint some competent person who may be discharged at will, to take charge of said reservoir, at a salary of not to exceed seventy-five dollars (\$75) per month, which, together with the other expenses for maintenance shall be paid by the several counties through which the Arkansas river flows, in proportion to the amount of water appropriated by the various canals and ditches taking water from the Arkansas river. The State engineer shall quarterly certify to the boards of commission of the several counties herein affected, its proportionate share of the expense to be borne. Whereupon the various boards of county commissioners shall pay to the party or parties named in the said certificate the sum or sums of money therein specified as being due.

Sec. 8. Any person interfering with or damaging said reservoir, or parts or appurtenances thereof, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding one thousand dollars (\$1,000), or by imprisonment in the county jail not exceeding one year.

Sec. 9. Whereas, In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Senator Leddy moved the adoption of the majority report.

Senator Israel moved as an amendment the adoption of the minority report.

The question being upon the adoption of the minority report the yeas and nays were had with the following result:

Yeas—Senators Felker, Howes, Israel, McGovney, Painter, Swink—6.

Nays—Senators Adams, Armstrong, Barela, Boyd, Brown, Drake, Graham, Gunnell, Johnson, King, Leddy, Lockwood, McKinley, Merritt, Mills, Pease, Pryor, Smith (Costilla), Steck, Timmons, Turner, Walters—22.

Absent, excused and not voting—Senators Balsinger, Hartzell, Newman, Webber, Wheeler, White and Smith (Mesa)—7.

A majority not having voted in the affirmative the motion did not prevail.

The question recurring upon the adoption of the majority report the yeas and nays were had with the following result:

Yeas—Senators Adams, Boyd, Drake, Felker, Graham, Gunnell, Howes, Johnson, King, Leddy, Lockwood, McGovney, McKinley, Mills, Pease, Pryor, Steck, Timmons, Turner, Walters—20.

Nays—Senators Armstrong, Barela, Brown, Israel, Merritt, Painter, Smith (Costilla), Swink—8.

Absent, excused and not voting—Senators Balsinger, Hartzell, Newman, Smith (Mesa), Webber, Wheeler and White—7.

A majority having voted in the affirmative the motion prevailed and the bill was referred to the

special committee of hold-over Senators for investigation.

The following report was received:

Report of Committee on Printing:

State of Colorado,
Senate Chamber,
Denver, Colo., February 15, 1894.

Mr. President:

Your committee, to which was referred H. B. No. 26, as amended by the Senate, with instructions to have it printed,

Beg leave to report the same correctly printed.

Robert Turner,
Chairman.

The Senate took a recess until 2:30 o'clock p. m.

AFTERNOON SESSION.

The Senate resumed its sitting at 2:30 o'clock p. m.

The following message was received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., February 15, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives has appointed Messrs. Jenks, Slawson and Carney as a committee of conference on the part of the House on Senate amendments to H. B. No. 61,

A bill for an act to amend sections two and three of an act entitled an act to regulate the hours of labor of mechanics, workingmen and other laborers,

and to prescribe penalties for the violation thereof, approved March 27, 1893.

The House asks the appointment of a like committee on the part of the Senate.

Respectfully,

John R. Wallingford,
Chief Clerk.

Senator Adams moved that the President of the Senate appoint a conference committee on the part of the Senate to consider the disagreement regarding H. B. No. 61.

The motion prevailed and the President appointed Senators McGovney and B. L. Smith.

A recess of thirty minutes was taken.

When the Senate resumed its sitting,

Senator Felker moved that H. B. No. 15 and H. B. No. 24 be recalled from the Committee on Revision and be recommitted to the committee of the whole.

The question being upon the motion to recall the bills the yeas and nays were had with the following result:

Yeas—Senators Boyd, Brown, Drake, Felker, Gunnell, King, Leddy, Lockwood, McKinley, Merritt, Painter, Pryor, Swink—13.

Nays—Senators Adams, Armstrong, Balsinger, Barela, Graham, Howes, Johnson, McGovney, Mills, Smith (Costilla), Steck, Timmons, Turner, Walters—14.

Absent, excused and not voting—Senators Hartzell, Israel, Newman, Pease, Smith (Mesa), Webber, Wheeler and White—8.

A majority not having voted in the affirmative the motion did not prevail.

The following report was received:

State of Colorado,
Senate Chamber,
Denver, Colo., February 15, 1894.

Mr. President:

Your special committee on House bills to which was referred H. B. No. 57,

A bill for an act to amend sections 18, 19 and 26 of an act concerning elections, approved March 26, 1891.

Have had the same under consideration and beg leave to recommend that said bill has been amended as heretofore directed and is herewith reported for reference to the Printing Committee, to be printed as amended.

A. B. McKinley,
Chairman.

The report was adopted.

The Senate adjourned.

THIRTY-EIGHTH DAY.

FRIDAY, FEBRUARY 16, 1894.

The Senate was called to order at 10 o'clock a. m.
Lieutenant Governor Nichols presiding.

Quorum present.

Prayer by the chaplain.

The journal of the previous day was read and approved.

Senator Webber moved that H. B. No. 26 be recalled from the Committee on Revision and that the substitute be engrossed and re-referred to the Committee on Revision.

The motion prevailed and it was so ordered.

The following report was received:

State of Colorado,
Senate Chamber,
Denver, Colo., February 16, 1894.

Mr. President:

Your committee on conference, to which was referred H. B. No. 61,

A bill for an act to amend sections 2 and 3 of an act entitled "An act to regulate the hours of labor," etc.,

Have had the same under consideration and beg leave to report that they are unable to agree.

A. A. McGovney,
B. L. Smith,
On the Part of the Senate.
Francis Carney,
W. C. Slawson,
Geo. W. Jenks,
On the Part of the House.

On motion of Senator Webber the report was received and the committee discharged.

The resolution introduced by Senator Felker on the previous day, relating to a sine die adjournment was taken up.

Owing to the absence of Senator Felker the resolution was not considered.

The following communication was received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., February 16, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives has appointed Messrs. McKnight, Moore and Norlin on the part

of the House as a second conference committee on Senate amendments to H. B. No. 61,

A bill for an act to amend sections two and three of an act entitled an act to regulate the hours of labor of mechanics, workingmen and other laborers, and to prescribe penalties for the violation thereof, approved March 27, 1893.

The House asks the appointment of a like committee on the part of the Senate.

Respectfully,

John R. Wallingford,
Chief Clerk.

Senator Hartzell moved the appointment of another conference committee on the part of the Senate.

The motion prevailed and the President appointed Senators Hartzell and Boyd.

The following report was received:

Report of Committee on Finance:

State of Colorado,
Senate Chamber,
Denver, Colo., February 16, 1894.

Mr. President:

Your committee, to which was referred H. B. No. 78,

A bill for an act to transfer the surplus revenues of 1893 or 1890, as the case may be, to the legislative cash fund, and providing for the disposition of any surplus in said fund,

Have had the same under consideration and beg leave to recommend that the following be substituted for said bill and that the substitute be referred to the committee of the whole with the recommendation that it do pass.

Substitute for H. B. No. 78,

A bill for an act to create a legislative cash fund for the purpose of defraying the expenses of the ex-

traordinary session of the Ninth General Assembly, and appropriating the same, and to provide for the transfer of the surplus revenues for the years 1890 and 1891, and a portion of the stock inspection fund to such legislative cash fund, and to provide for the transfer of any excess of money remaining in such legislative cash fund, and to repeal chapter 142 of the acts of the Ninth General Assembly.

Be it enacted by the General Assembly of the State of Colorado:

Section 1. There is hereby created a legislative cash fund, and the auditor and treasurer of State are hereby authorized and directed to open up such account on the books of their respective offices, and the said officers are hereby directed to transfer to said legislative cash fund the following, viz.: From the surplus revenues for the year 1890 all the funds remaining to the credit of said revenue including the amount transferred by chapter 142 of the acts of the Ninth General Assembly; from the surplus revenue for the year 1891 the sum of ten thousand dollars (\$10,000), and from the sum remaining to the credit of the stock inspection fund the sum of seven thousand dollars (\$7,000).

Sec. 2. There is hereby appropriated out of the legislative cash fund an amount sufficient to pay the expenses of the extraordinary session of the Ninth General Assembly, including mileage and per diem of members, officers and employes, and the expenses actually incurred by the special committee of hold-over Senators in the investigation of matters referred to them.

Sec. 3. The auditor is hereby authorized to draw warrants on the legislative cash fund in payment of all expenses lawfully incurred by reason of the extraordinary session of the Ninth General Assembly, including mileage and per diem of members, officers and employes, upon the presentation of vouchers properly certified.

Sec. 4. The treasurer of State is hereby authorized and directed to pay warrants drawn by the auditor on the legislative cash fund out of any moneys in his hand to the credit of said fund; provided, said warrants are presented for payment prior to July 1, 1894.

Sec. 5. On the first Monday in July, 1894, the treasurer of State is directed to transfer any moneys remaining to the credit of said fund to the general revenue fund for the year 1893.

Sec. 6. Whereas, a portion of this act is in conflict with chapter 142 of the acts of the Ninth General Assembly; the said chapter 142 of the acts of the Ninth General Assembly is hereby repealed.

Sec. 7. This act, being deemed of immediate importance, shall be in effect from and after its passage.

Also,

H. B. No. 64,

A bill for an act to transfer a part of the balance of revenue of 1891 to the legislative cash fund,

Have had the same under consideration and beg leave to recommend that the bill be laid on the table for the reason that the subject is fully covered by substitute for H. B. No. 78.

Also,

H. B. No. 62,

A bill for an act to provide for the payment of a part of the contingent and incidental expenses of the special session of the Ninth General Assembly of the State of Colorado, and to provide for the compensation of members, officers and employes, and other necessary expenses of said assembly,

Have had the same under consideration and beg leave to recommend that the bill be laid on the table, for the reason that the matters provided for are contained in substitute for H. B. No. 78.

Also,

H. B. No. 54,

A bill for an act to transfer certain funds from the stock inspection fund to the legislative cash fund,

Have had the same under consideration and beg leave to recommend that the bill be laid upon the table for the reason that the subject is fully covered by substitute for H. B. No. 78.

J. A. Israel,
Chairman.

The report was adopted and substitute for H. B. No. 78 was ordered referred to the Printing Committee to be printed and then referred to the committee of the whole.

The following report was received from the Committee on Revision:

Report of the Revision Committee:

State of Colorado,
Senate Chamber,
Denver, Colo., February 16, 1894.

Mr. President:

Your Committee on Revision to which was referred H. B. No. 24,

A bill for an act to amend an act entitled "An act for an act to provide a code of procedure in civil actions for courts of record in the State of Colorado; and to repeal all acts inconsistent therewith," approved April 7, 1887,"

Has had the same under consideration and begs leave to report that the title be amended by the insertion of the words "chapter VI, entitled Attachments" after the word "amend," in the first line.

That the Senate amendment to section 1, to strike out the words "and to repeal all acts inconsistent therewith," be stricken out, leaving said words as inserted in the House bill, said words, being part

of the title of the act of 1887, properly belong in the reference to such title.

That as so amended the bill be placed on third reading and final passage and do pass.

Also,

H. B. No. 15,

A bill for an act to amend the attachment laws in justices' courts in the State of Colorado, as prescribed by provision 5 of the general statutes of Colorado of 1883,

Has had the same under consideration and begs leave to report that the words "Chapter LXII" be inserted after the words "Division V of" in the title.

That as so amended the bill be placed on third reading and final passage and do pass.

Geo. E. Pease,
Chairman.

The report was adopted.

Senator Hartzell moved that a committee be appointed to investigate the whereabouts of the statutes which had been provided the Senators at the previous session.

The motion prevailed and the President appointed Senators Hartzell, Barela and Gunnell.

A recess was taken until 2 o'clock p. m.

AFTERNOON SESSION.

The Senate resumed its session at 2 o'clock p. m.

The following report was received:

Report of Committee on Printing:

State of Colorado,
Senate Chamber,
Denver, Colo., February 16, 1894.

Mr. President:

Your committee, to which was referred H. B. No. 57, as amended by the Senate and further amended by the special committee, also substitute for H. B. No. 78, with instructions to have it printed,

Beg leave to report the same correctly printed.

Robert Turner,
Chairman.

The amendments by the special committee as reported by the Printing Committee to H. B. No. 57, causes the bill to read as follows:

H. B. No. 57, by Mr. Bonyngé,

As amended by the committee of the whole Senate.

A bill for an act to amend sections fifteen, eighteen, nineteen, twenty and twenty-six of an act entitled "An act in relation to elections; defining offenses against the same, and prescribing punishments therefor," approved March 26, 1891.

Be it enacted by the General Assembly of the State of Colorado:

Section 1. That section fifteen of an act entitled "An act in relation to elections; defining offenses against the same and prescribing punishments therefor," approved March 26, 1891, be and the same is hereby amended so as to read as follows:

Sec. 15. Should any person so nominated die before election day, resign or decline the nomination as in this act provided, or should any certificate of nomination be insufficient or inoperative, because of failure to remedy or cure the same, the vacancy or vacancies thus occasioned may be filled in the same manner required for original nominations. If the original nomination was made by a party convention

which had delegated to a committee the power to fill vacancies, such committee may, upon the occurring of such vacancies, proceed to fill the same. The chairman and secretary of such committee shall thereupon make and file with the proper officer a certificate setting forth the cause of the vacancy, the name of the person nominated, the office for which he was nominated, the name of the person for whom the new nominee is to be substituted, the fact that the committee was authorized to fill vacancies, and such further information as is required to be given in an original certificate of nomination. The certificate so made shall be executed, sworn to and acknowledged in the manner prescribed for the original certificate of nomination, and shall, upon being filed at least eight days before the election, have the same force and effect as an original certificate of nomination. When such certificate shall be filed with the secretary of state, he shall, in certifying the nominations to the various county clerks, insert the name of the person who has been nominated to fill a vacancy in place of the original nominee, and in the event that he has already sent forward his certificate, he shall forthwith certify to the clerks of the proper counties the name and description of the person so nominated to fill a vacancy, the office he is nominated for, together with the other details mentioned in the certificate of nomination so filed with the secretary of state, and the name of the person for whom such nominee is substituted. The chairman and secretary of such committee may in like manner make and file with the proper officer a certificate setting forth the occurrence of a vacancy by death, resignation or otherwise, and the further fact that it is not the intention of such committee to fill such vacancy; when such certificates shall be filed with the secretary of state, he shall certify such vacancy to the several county clerks forthwith. All resignations of any candidates nominated for public office shall be made to the committee or officers representing their party, or persons making such nomination, and it shall be

the duty of such persons to certify such resignation to the proper officer within five days thereafter, and in case of neglect or refusal of any such committee or officers to so certify such resignation, so that said names may be omitted from the official ballot, upon the complaint of the person aggrieved, it shall be the duty of the district or county court of the county wherein such nomination was originally filed, upon the written complaint of the person aggrieved, to summarily hear and determine such complaint, and upon proof of such resignation, together with such neglect and refusal by said committee or officers, to compel the filing of such certificate of resignation. The secretary of state shall not be required to make any certificates of new nominations or vacancies after eight days before election day, exclusive of election day.

Sec. 2. That section eighteen of said act be and the same is hereby amended so as to read as follows:

Sec. 18. Every ballot, intended for the use of voters, shall contain the names of all candidates for offices to be balloted for at that election, whose nominations have been duly made and accepted as herein provided, and who have not died, or withdrawn, and shall contain no other names of persons, except that in case of electors for president and vice-president of the United States, the names of the candidates for president and vice-president shall be added to the party or political designation; the name of each person nominated shall be printed upon the ballot in but one place, but there shall be added opposite to the name of each person nominated, the party or parties or political designation, expressed in not more than three words for one party, as specified in each of the certificates of nomination nominating him for the office. The names of the candidates for each office shall be arranged under the designation of the office, in alphabetical order, according to surnames, except that the names of the candidates for the offices of electors of president and vice-president of the United

States shall be arranged in groups, as presented in the several certificates of nomination. There shall be left at the end of the list of candidates for each different office as many blank spaces as there are persons to be elected to such office, in which the elector may write the name of any person not printed on the ballot for whom he desires to vote as a candidate to such office. Whenever the approval of a constitutional amendment or other question is submitted to the vote of the people, such questions shall be printed upon the ballot after the lists of candidates. The ballots shall be so printed as to give to each voter a clear opportunity to designate by a cross mark (X) in a sufficient margin at the right of the name of each candidate, his choice of candidates and his answer to the questions submitted, and on the ballot may be printed such words as will aid the voter to do this, as "Vote for one," "Vote for three," "If you have not voted a straight ticket above place a cross mark (X) with ink opposite each name you wish to vote for in the blank space left for that purpose," and the like. It shall be lawful to designate the political party or nominating committee by which each list of candidates is nominated, by an appropriate emblem or design, such as a flag, eagle, rooster or other device, as may be set forth in the certificate of nomination; Provided, No two sets of nominations shall use or have the same device, and each political party or nominating committee shall have the prior right to use the device used by it at the last similar election. When any political party or nominating committee in its certificate of nomination certifies any such emblem or device, the name or title of such party or nominating committee (in not more than three words), together with such emblem, or device, opposite thereto, shall be placed in a line at the top of the ballot with a blank square opposite thereto in which a cross mark may be placed by the voter; all such party designations and emblems, so certified shall be placed in parallel lines, one under another, on the top part of the ballot above the list of candidates. Proper words of

instruction shall also be inserted such as these: "To vote a straight ticket place a cross mark (X) with ink in the square opposite your party emblem." It shall be lawful for a voter to make a cross mark in any such square following any such party name and emblem and such mark shall indicate and be counted as a vote for each and every candidate on the ballot nominated by the party or committee after whose name and emblem the mark is so placed. The extreme top part of each ballot, above the portion which contains the names of the candidates to be voted for and the party and committee names and emblems, shall be divided by two perforated lines, into two spaces, each of which shall be not less than an inch in width, the top portion being known as the stub, and the next portion as the duplicate stub; upon each of said stubs, nothing shall be printed except the number of the ballot, and the same number shall be printed upon both stubs. Stubs and duplicate stubs of ballots shall both be numbered consecutively by numbers thereon. All ballots shall be uniform and of sufficient length and width to allow for the names of candidates and officers to be printed in clear, plain type, as herein required, with a space of at least one-half inch between the different columns on said ballot. On the back of each ballot shall be printed in capital letters in two lines, pica gothic, or type not smaller in size, the endorsement "Official ballot for . . .," and after the word "For" shall follow the designation of the election precinct or political division, for which the ballot is prepared, and the date of the election, and a fac simile of the signature of the clerk who has caused the ballot to be printed. The ballot shall contain no caption, or other endorsement except as in this section provided. Each county, city or town clerk shall use precisely the same quality and tint of paper and kind of type, and quality and tint of plain black ink for all ballots furnished by him at one election. Whenever candidates are to be voted for only by the voters of a particular district, county, city, town or other political division, the names of

such candidates shall not be printed on any other ballot than those provided for use in such district, county, city, town or political division respectively. The ballots shall be of such form and the endorsement thereon so printed that they may be folded in such a way that when so folded the whole endorsement shall be visible and the contents of the ballot shall not be exposed. There shall be but one ballot box at each polling place for receiving ballots cast for candidates for office.

Sec. 3. That section 19 of said act be and the same is hereby amended so as to read as follows:

Sec. 19. The county clerk of each county, and the city clerk of each city, and the town clerk of each town, when charged by this act with the duty of printing and preparing ballots, shall provide, for each election precinct in a county, city or town, one hundred ballots for every fifty or fraction of fifty voters registered at the last preceding election in the election precinct. If there is no registry in the precinct, such ballots shall be provided to the number of one hundred of each kind for every fifty or fraction of fifty voters who voted at the last preceding election in such precinct. When a precinct shall be divided, or the boundaries changed, the county clerk, or city clerk, or town clerk, as the case may be, must ascertain as nearly as possible, the number of voters in the new precinct or precincts, and provide therefor a sufficient number of ballots in the above proportion.

Sec. 4. That section 20 of said act be and the same is hereby amended so as to read as follows:

Sec. 20. Whenever it shall appear by affidavit of a candidate, or his agent, that an error or omission has occurred in the publication of the names or description of the candidates nominated for office, or in the printing of the sample or official ballots, the district or county court, or a judge thereof, either in term time or vacation, may upon petition of such can-

didate, or his agent, by order require the county clerk, city clerk, or town clerk, charged with the duty in respect to which an error or omission has occurred, to forthwith correct such error, or to forthwith show cause why such error should not be corrected. Costs, including a reasonable attorney's fee, may be taxed, in the discretion of such court or judge, against either party. The county clerk, city clerk, or town clerk shall also, on their own motion, correct without delay any error in all ballots which he or they may discover, or which shall be brought to his or their attention, and which can be corrected without interfering with the timely distribution of the ballots as herein provided. Whenever any controversy shall arise between any official charged with any duty or function under this act, and any candidate, or the officers or representatives of any political party, or persons who have made nominations, upon the filing of a petition by any such official or persons, setting forth in concise form the nature of such controversy and the relief sought, which petition shall be under oath, it shall be the duty of such court, or the judge thereof in vacation, to issue an order commanding the respondent in such petition to be and appear before the court or judge, and answer under oath to such petition; and it shall be the duty of the court or judge to summarily hear and dispose of any such issues, with a view of obtaining a substantial compliance with the provisions of this act by the parties to such controversy, and to make and enter orders and judgments, and issue the writ or process of such court to enforce all such orders and judgments. The provisions of this act shall be liberally construed, so as to carry out the intent of the act, and of political parties, nominees and others in proceedings under this act.

Sec. 5. That section 26 of said act be and the same is hereby amended so as to read as follows:

Sec. 26. On receiving his ballot the voter shall forthwith, and without leaving the enclosed space, retire alone to one of the voting shelves or compart-

ments so provided, and shall prepare his ballot by marking, in ink, in the appropriate margin or place, a cross (X) opposite the name of the candidate of his choice for each office to be filled; and in case of a question submitted to a vote of the people, by marking in the appropriate margin or place a cross (X) against the answer which he desires to give; and in case of a vote for an entire or straight ticket or list of candidates, by making a cross (X) in the appropriate square after the name and emblem designating such ticket or list of candidates. Before leaving the voting shelf or compartment, the voter shall fold his ballot without displaying the marks thereon, in the same way it was folded when received by him, so that the contents of the ballot shall be concealed and the stub can be removed without exposing any of the contents of the ballot, and he shall keep the same so folded until he has voted. Each voter who has prepared his ballot, and is ready to vote as aforesaid, shall then leave the compartment and approach the judges of election having the ballot box in charge, and give his name to one of the judges of election, who shall announce it in a loud and distinct tone of voice, clear and audible. The voter's ballot shall be handed to the judge in charge of the ballot box, who shall announce the name of such voter, and the number upon the duplicate stub of his ballot; which number must correspond with the stub number previously checked in front of his name by the election judge or clerk who handed him his ballot; if the stub number of the ballot corresponds and is identified by the initials of the judge or clerk placed thereon, the judge or clerk shall then remove the duplicate stub from such ballot. The judge or clerk shall immediately write the name of such voter upon the poll list, and shall take the ballot of such voter and number it in ink, in one corner, upon the top thereof, in such manner as not to expose or show how the voter has voted, the same to be numbered in the order in which it shall be received, consecutively, and so as to permit the corner to be turned and pasted down with mucilage, which

shall then be done so that the number is not thereafter visible, and such seal shall only be broken in case of contested election; and the same number shall be recorded by the election judge or clerk on the list of voters beside the name of such voter. Such ballot shall then be returned by said judge or clerk to the voter, who shall thereupon, in full view of the judges of election, deposit the same in the ballot box, with the official endorsement on said ballot uppermost. Each voter shall mark and deposit his ballot without undue delay, and shall quit said enclosed place as soon as he has voted. No such voter shall be allowed to occupy a voting shelf or compartment already occupied by another, nor to remain within said enclosed space more than ten minutes, nor to occupy a voting shelf or compartment for more than five minutes, in case all such shelves or compartments are in use and other voters are waiting to occupy the same. Besides the election officers, not more than four voters in excess of the number of voting shelves or compartments provided, shall be allowed in said enclosed space at any one time, except as provided in section 28. No voter not a judge or clerk of election, whose name has been checked on the registry list of the ballot officers, shall be allowed to re-enter said enclosed space during said election. It shall be the duty of each and all of the judges of election to secure the observance of the provisions of this section and of other sections relative to the duties of judges and clerks of election.

The following communication was received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., February 16, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives

Has passed

H. J. M. No. 6,

Petitioning Congress to donate to the State all reservoir sites heretofore designated or selected by United States surveys.

The memorial is herewith respectfully transmitted.

John R. Wallingford,
Chief Clerk.

The Senate resolved into committee of the whole on general orders.

Senator King was called to the chair.

When the committee arose the chairman made the following report:

Report of the committee of the whole:

Mr. President:

The committee of the whole Senate has had under consideration H. B. No. 57, as amended, and instruct me to report that the same has been read at length as amended, being the second reading of the same, and the committee beg leave to recommend as follows:

That the bill be amended as suggested by the special committee of seven; also, further amended by adding emergency clause,

And that as amended said bill be referred to the Revision Committee.

The committee further recommend that Senate substitute to H. B. No. 78, said substitute being read the second time, be amended by inserting at the end of section 2, "and \$5 per diem each for the time actually and necessarily employed by said committees in such investigations not exceeding 30 days each."

That section 3 be amended by inserting after the word "employes" the words "and the expenses actually incurred by the special committee of hold-over

Senators in the investigation of matters referred to them and per diem and expenses."

That the proviso in section 4 be stricken out and that after the word "fund," in section 5, the words "excepting \$2,500" be inserted.

That section 7 be stricken out and usual emergency clause substituted.

And that said bill as amended be referred to Revision Committee.

John King,
Chairman.

On motion of Senator King the report was adopted.

The following report was received:

State of Colorado,
Senate Chamber,
Denver, Colo., February 16, 1894.

Mr. President:

Your Committee on Revision, to which was referred H. B. No. 57,

A bill for an act to amend sections 15, 18, 19, 20 and 26 of an act entitled "An act in relation to elections; defining offenses against," etc., approved March 26, 1891,

Have had the same under consideration and beg leave to recommend that said bill be placed on third reading and final passage and do pass.

Also,

Substitute for H. B. No. 78,

A bill for an act to create a legislative cash fund, etc.

Have had the same under consideration and beg leave to recommend that the said bill be placed upon third reading and do pass.

Geo. E. Pease,
Chairman.

The report was received.

The following resolution, introduced by Senator Felker on the previous day was read:

Resolved, That it is the sense of this Senate that this body will be through with its business on Wednesday, February 26, at 5 o'clock p. m., and that the clerk of the Senate notify the House of Representatives of the Ninth General Assembly that the Senate will then be ready to adjourn.

Senator Felker moved the adoption of the resolution.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Boyd, Brown, Drake, Felker, Gunnell, Howes, Israel, Johnson, King, Leddy, Lockwood, McGovney, McKinley, Merritt, Mills, Painter, Pryor, Steck, Swink, Walters, White—22.

Nays—Senators Armstrong, Balsinger, Barela, Graham, Pease, Smith (Costilla), Turner, Webber, Wheeler—9.

Absent, excused and not voting—Senators Hartzell, Newman, Smith (Mesa), Timmons—4.

A majority having voted in the affirmative the resolution was adopted.

Senator Turner introduced a resolution, regarding the printing of 2,000 sample ballots proposed in connection with H. B. No. 57, which was laid over.

The Senate adjourned.

THIRTY-NINTH DAY.

SATURDAY, FEBRUARY 17, 1894.

The Senate was called to order at 10 o'clock.

Lieutenant Governor Nichols presiding.

Quorum present.

Prayer by the chaplain.

The journal of the previous day was read and approved.

Senator Steck introduced S. C. R. No. 8, relative to instructing the State engineer to prepare two large sized maps of Colorado for legislative use, which was laid over under the rules.

The Committee on Finance made a majority and minority report on H. B. No. 52.

The reports were laid over for a day.

H. B. No. 57, by Mr. Bonynge,

As amended by the Senate,

A bill for an act to amend sections fifteen, eighteen, nineteen, twenty and twenty-six of an act entitled "An act in relation to elections; defining offenses against the same, and prescribing punishments therefor," approved March 7, 1891,

Was read a third time.

The question being, "Shall the bill pass as amended by the Senate?" the yeas and nays were had with the following result:

Yeas—Senators Armstrong, Barela, Boyd, Brown, Drake, Graham, Gunnell, Howes, Israel, Johnson, King, Leddy, Lockwood, McKinley, Merritt, Mills, Painter, Pease, Smith (Costilla), Steck, Swink, Timmons, Turner, Walters, Wheeler, White—26.

Nays—Senators Adams, Felker—2.

Absent, excused and not voting—Senators Balingier, Hartzell, McGovney, Newman, Pryor, Smith (Mesa), Webber—7.

A constitutional majority of all the Senators elected having voted in the affirmative, the bill was passed.

The question being upon the adoption of the emergency clause the yeas and nays were had with the following result:

Yeas—Senators Armstrong, Barela, Boyd, Brown, Drake, Graham, Gunnell, Howes, Israel, Johnson, King, Leddy, Lockwood, McKinley, Merritt, Mills, Painter, Pease, Smith (Costilla), Steck, Swink, Timmons, Turner, Walters, Wheeler, White—26.

Nays—Senator Adams—1.

Absent, excused and not voting—Senators Balingier, Felker, Hartzell, McGovney, Newman, Pryor, Smith (Mesa), Webber—8.

A constitutional majority, being two-thirds of all the Senators elected, having voted in the affirmative, the emergency clause was agreed to.

The title was read and agreed to.

Also,

H. B. No. 78, by Mr. Lowell,

Substitute by the Senate.

A bill for an act to create a legislative cash fund for the purpose of defraying the expenses of the extraordinary session of the Ninth General Assembly, and appropriating the same, and to provide for the transfer of the surplus revenues for the years 1890 and 1891 and a portion of the stock inspection fund to such legislative cash fund, and to provide for the transfer of any excess of money remaining in such legislative cash fund, and to repeal chapter 142 of the acts of the Ninth General Assembly,

Was read a third time.

The question being, "Shall the bill pass?" the yeas and nays were had with the following result:

Yeas — Senators Armstrong, Barela, Boyd, Brown, Drake, Graham, Gunnell, Howes, Israel, Johnson, King, Leddy, Lockwood, McGovney, McKinley, Mills, Painter, Pease, Smith (Costilla), Steck, Swink, Timmons, Turner, Walters, Wheeler—25.

Nays—Senators Adams, Felker, Merritt, White—4.

Absent, excused and not voting—Senators Balingier, Hartzell, Newman, Pryor, Smith (Mesa), Webber—6.

A constitutional majority of all the Senators elected having voted in the affirmative, the bill was passed.

The question being upon the adoption of the emergency clause, the yeas and nays were had with the following result:

Yeas — Senators Armstrong, Barela, Boyd, Brown, Drake, Graham, Gunnell, Howes, Israel, Johnson, King, Leddy, Lockwood, McGovney, McKinley, Mills, Painter, Pease, Smith (Costilla), Steck, Swink, Timmons, Turner, Walters, Wheeler—25.

Nays—Senators Adams, Felker, Merritt, White—4.

Absent, excused and not voting—Senators Balingier, Hartzell, Newman, Pryor, Smith (Mesa), and Webber—6.

A constitutional majority, being two-thirds of all the Senators elected, having voted in the affirmative, the emergency clause was agreed to.

The title was read and agreed to.

Also,

H. B. No. 24, by Mr. Moore,

As amended by the Senate,

A bill for an act to amend an act entitled "An act for an act to provide a code of procedure in civil actions for courts of record in the State of Colorado and to repeal all acts inconsistent therewith," approved April 7, 1887,

Was taken up for third reading.

Senator Felker obtained unanimous consent to have the bill amended as follows:

"Provided when the property is attached while the defendant is removing the same or after the same has been removed from the county, and the same is overtaken and returned, or while the same is sequestered by the defendant or put out of his hands for the purpose of defrauding his creditors the court may allow the creditor or creditors through whose diligence the same shall have been secured, a priority over other attachments or judgment creditors."

The amendment was agreed to and added to section 4 and bill read the third time.

The question being, "Shall the bill pass as amended?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Barela, Boyd, Brown, Drake, Graham, Gunnell, Howes, Israel, Johnson, McGovney, McKinley, Merritt, Mills, Painter, Pease, Smith (Costilla), Steck, Swink, Timmons, Turner, Walters, Wheeler, White—25.

Nays—Senators Felker, King, Leddy, Lockwood,—4.

Absent, excused and not voting—Senators Balsinger, Hartzell, Newman, Pryor, Smith (Mesa) and Webber—6.

A constitutional majority of all the Senators elected, having voted in the affirmative, the bill was passed.

The title was agreed to.

Also,

H. B. No. 15, by Mr. Carnahan,

As amended by the Senate,

A bill for an act to amend the attachment laws in justice courts of the State as prescribed by division 5 of the general statutes of the State of Colorado, of 1883.

Was taken up for third reading.

Senator Felker obtained unanimous consent to amend the bill as follows:

Add to the end of section 4, "Provided, when the property is attached while the defendant is removing the same or after the same has been removed from the county and the same is overtaken and returned, or while the same is secreted by the defendant, or put out of his hands, for the purpose of defrauding his creditors, the court may allow the creditor or creditors through whose diligence the same shall have been secured a priority over other attachments or judgment creditors."

The amendment was agreed to and bill read the third time.

The question being "Shall the bill pass as amended?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Barela, Boyd, Brown, Drake, Graham, Gunnell, Howes, Israel, Johnson, Lockwood, McGovney, McKinley, Merritt, Mills, Painter, Pease, Smith (Costilla), Steck, Swink, Timmons, Turner, Walters, Wheeler, White—26.

Nays—Senators Felker, King, Leddy—3.

Absent, excused and not voting—Senators Balsinger, Hartzell, Newman, Pryor, Smith (Mesa), Webber—6.

A constitutional majority of all the Senators elected, having voted in the affirmative, the bill was passed.

The title was read and agreed to.

The following report was received:

State of Colorado,
Senate Chamber,
Denver, Colo., February 17, 1894.

Mr. President:

Your Committee on Revision, to which was referred substitute for H. B. No. 26,

A bill for an act concerning revenue and repealing all acts in conflict therewith,

Have had the same under consideration and beg leave to recommend that the bill be placed on file for third reading and do pass.

Geo. E. Pease,
Chairman.

The report was adopted.

Substitute for H. B. No. 26, by Mr. Carnahan,

A bill for an act to amend section one hundred and twenty-four of chapter XCIV. of the general statutes of the State of Colorado, entitled "Revenue,"

Was read a third time.

The question being, "Shall the bill pass?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Barela, Boyd, Brown, Drake, Graham, Gunnell, Howes, Israel, Johnson, King, Leddy, Lockwood, McGovney, McKinley, Mills, Painter, Pease, Smith (Costilla), Steck, Swink, Timmons, Turner, Walters, Wheeler—26.

Nays—Senators Felker, Merritt—2.

Absent, excused and not voting—Senators Balsinger, Hartzell, Newman, Pryor, Smith (Mesa), White—6.

A constitutional majority of all the Senators elected, having voted in the affirmative, the bill was passed.

The question being upon the adoption of the emergency clause, the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Barela, Boyd, Brown, Drake, Graham, Gunnell, Howes, Johnson, King, Leddy, Lockwood, McGovney, McKinley, Mills, Pease, Smith (Costilla), Steck, Swink, Timmons, Turner, Walters, Wheeler—24.

Nays—Senators Felker, Israel, Merritt, Painter—4.

Absent, excused and not voting—Senators Balsinger, Hartzell, Newman, Smith (Mesa), Webber, White, Pryor—7.

A constitutional majority, being two-thirds of all the Senators elected, having voted in the affirmative, the emergency clause was agreed to.

The title was read and agreed to.

Senator Timmons obtained unanimous consent to be absent during the remainder of the session.

Senator McKinley introduced S. C. R. No. 9,

Relative to having sample copies of H. B. No. 67 distributed as amended, throughout the State, by the secretary of State.

Senator McKinley moved that the rules be suspended for the consideration of the resolution.

It was agreed to suspend the rules.

The resolution was adopted.

A recess was taken until 2 o'clock p. m.

AFTERNOON SESSION.

The Senate resumed its sitting at 2 o'clock p. m.

Senator Hartzell presented the following conference report on H. B. No. 61:

Report of committee on conference on H. B. No. 61:

State of Colorado,
Senate Chamber,
Denver, Colo., February 17, 1894.

Mr. President:

Your committee on conference, to which was referred H. B. No. 61,

A bill for an act to amend sections 2 and 3 of an act to regulate the hours of labor of mechanics, workingmen and other laborers, and prescribe penalties for the violation thereof, approved March 27, 1893,

Have had the same under consideration and beg leave to recommend that the Senate do recede from its amendments to said bill and that said bill and the title thereof be amended by adding in the title the word "one" after the word "Sections," and that a new section to be numbered section one be added as follows:

Section 1. That section 1 of an act entitled an act to regulate the hours of labor of mechanics, workingmen and other laborers, and to prescribe penalties for the violation thereof, approved March 27, 1893, be and the same is hereby amended to read as follows:

Section 1. In all work hereafter undertaken in behalf of the State or any county, township, school district, municipality or incorporated town it shall be unlawful for any board, officer, agent, or any contractor or sub-contractor thereof to employ any mechanic, workingman, or laborer in the prosecution of any such work for more than eight hours a day.

That sections one and two be numbered two and three respectively and that in section 2 as amended, the following words be stricken out of lines 2 and 3

thereof: "To amend sections two (2) and three (3) of an act."

Charles Hartzell,
David Boyd,
For the Senate.
R. A. McKnight,
E. W. Norlin,
H. F. Moore,
For the House.

Senator Hartzell moved that the report be adopted and that the report be referred to the Committee on Printing; that the bill be reprinted, as amended by the conference report, and be referred to the Committee on Revision.

The motion prevailed and it was so ordered.

The following message was received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., February 17, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives has concurred in Senate amendments to H. B. No. 78,

A bill for an act to create a legislative cash fund for the purpose of defraying the expenses of the extraordinary session of the Ninth General Assembly and appropriating the same, and to provide for the transfer of the surplus revenues for the years 1890 and 1891 and a portion of the stock inspection fund to such legislative cash fund, and to provide for the transfer of any excess of money remaining in such legislative cash fund, and to repeal chapter 142 of the acts of the Ninth General Assembly.

Respectfully,

John R. Wallingford,
Chief Clerk.

Senator Turner moved as follows:

That the special committee of three, to whom was referred H. B. No. 48, be authorized to print the substitute bill which they are now preparing.

The motion prevailed.

Senator Armstrong, chairman of a special committee, made the following report:

Report of special committee on H. B. No. 34:

State of Colorado,
Senate Chamber,
Denver, Colo., February 17, 1894.

Mr. President:

Your committee, to which was referred H. B. No. 34,

A bill for an act to amend an act, etc.,

Have had the same under consideration and beg leave to recommend that the same be amended by striking out of the first section thereof the following words:

"Earned during the thirty days next preceding such levy under execution, attachment or garnishment of the same."

And also the following:

"Regardless of the amount paid him during said thirty days."

And that said bill as amended be referred to the committee of the whole and do pass.

H. Armstrong,
Chairman.

The report was adopted.

The Senate resolved into committee of the whole for the consideration of H. B. No. 34.

Senator Wheeler was called to the chair.

When the committee arose the chairman made the following report:

Report of the committee of the whole:
Mr. President:

The committee of the whole Senate has had under consideration H. B. No. 34, the bill has been read at length, being the second reading of the same, and the committee beg leave to report as follows:

The committee recommend that the bill be amended by striking out the words "earned during the thirty days next preceding such levy under execution, attachment or garnishment of the same."

Also strike out in same section the words "regardless of the amount paid him during the said thirty days,"

And that as amended said bill be referred to the Revision Committee.

B. Clark Wheeler,
Chairman.

The report was adopted.

The Senate adjourned until Monday, February 19, at 10 o'clock, excusing Senator Wheeler until the arrival of the Denver and Rio Grande passenger train.

FORTY-FIRST DAY.

MONDAY, FEBRUARY 19, 1894.

The Senate was called to order at 10 o'clock a. m.
Lieutenant Governor Nichols presiding.

Quorum present.

Prayer by the chaplain.

The journal of the previous day was read and approved.

The following message was received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., February 19, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives has non-concurred in Senate amendments to H. B. No. 15,

A bill for an act to amend section 77 of chapter 62 of the general statutes of Colorado, the same being general section 2000 thereof.

Also,

Has non-concurred in Senate amendments to H. B. No. 24,

A bill for an act to amend section 92 of an act entitled "An act for an act to provide a code of procedure in civil actions for courts of record in the State of Colorado, and to repeal all acts inconsistent therewith," approved April 7, 1887.

Also,

Has non-concurred in Senate amendments to H. B. No. 26,

A bill for an act to amend section one hundred and twenty-four of chapter XCIV. of the general statutes of the State of Colorado, entitled "Revenue."

The bills are herewith respectfully re-transmitted.

John R. Wallingford,
Chief Clerk.

State of Colorado,
House of Representatives,
Denver, Colo., February 19, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives

Has passed,

H. B. No. 56,

A bill for an act to establish a banking department in and for the State of Colorado, and to repeal sections two hundred and seventy-one, two hundred and seventy-two, two hundred and seventy-three, two hundred and seventy-four, two hundred and seventy-five, two hundred and seventy-six, two hundred and seventy-seven, two hundred and seventy-eight, two hundred and seventy-nine and two hundred and eighty of the general statutes of the State of Colorado, the same being sections thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-three and forty-four of chapter XIX. thereof, entitled "Corporations;" and to repeal section eleven of an act entitled, "An act to provide for the incorporation of trust companies," approved April 2, 1891; and to repeal an act entitled "An act concerning building and loan associations," approved April 17, 1889; and to repeal all other acts and parts of acts inconsistent with the provisions of this act.

The bill is herewith respectfully transmitted.

John R. Wallingford,
Chief Clerk.

Senator Webber was excused from attendance during the day.

The leave of absence granted Senator Newman was extended for one week.

The refusal of the House to concur in Senate amendments to H. B.'s Nos. 15, 24 and 26 was taken up for consideration.

It was agreed to insist upon the amendments.

S. C. R. No. 8, by Senator Steck,

In relation to the creation of two large maps for legislative use, for the Tenth and subsequent legislatures, was read.

On motion of Senator Steck the resolution was adopted.

The President announced that he was about to sign, and did sign, H. B. No. 78.

The following communication was received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., February 19, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives

Has passed,

H. B. No. 68,

A bill for an act making an appropriation to continue the construction of the State canal No. 1 by convict labor, so far as authorized by law.

Emergency clause attached.

The bill is herewith respectfully transmitted.

John R. Wallingford,
Chief Clerk.

The following bill was read the first time:

H. B. No. 56, by Mr. Thomas,

A bill for an act to establish a banking department in and for the State of Colorado, and to repeal sections two hundred and seventy-one, two hundred and seventy-two, two hundred and seventy-three, two hundred and seventy-four, two hundred and seventy-five, two hundred and seventy-six, two hundred and seventy-seven, two hundred and seventy-eight, two hundred and seventy-nine and two hundred and eighty of the general statutes of the State of Colorado, the same being sections thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-three and forty-four of chapter XIX., entitled "Corporations;" and to repeal section eleven of an act entitled "An act to provide for the incorpora-

tion of trust companies," approved April 2, 1891; and to repeal an act entitled, "An act concerning building and loan associations," approved April 17, 1889; and to repeal all other acts and parts of acts inconsistent with the provisions of this act.

. Referred to special standing committee.

Also,

H. B. No. 68, by Mr. Slawson,

A bill for an act making an appropriation to continue the construction of the State canal number one by convict labor, so far as authorized by law,

Was read by title and referred to Committee on Finance.

The following message was received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., February 19, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives asks for the appointment of a conference committee on Senate amendments to H. B. No. 15,

A bill for an act to amend section 77 of chapter 62 of the general statutes of Colorado, the same being general section 2000 thereof.

And names Messrs. Ross, Sweeney and Carney on the part of the House as members of such committee.

Respectfully,

John R. Wallingford,
Chief Clerk.

Also,

State of Colorado,
Senate Chamber,
Denver, Colo., February 19, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives asks for the appointment of a conference committee on Senate amendments to H. B. No. 24,

A bill for an act to amend section 92 of an act entitled "An act for an act to provide a code of procedure in civil actions for courts of record in the State of Colorado, and to repeal all acts inconsistent therewith," approved April 7, 1887.

And names Messrs. Moore, Bonyange and Wicks on the part of the House as members of such committee.

Respectfully,
John R. Wallingford,
Chief Clerk.

Also,

State of Colorado,
Senate Chamber,
Denver, Colo., February 19, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives asks for the appointment of a conference committee on Senate amendments to H. B. No. 26,

A bill for an act to amend section one hundred and twenty-four of chapter XCIV. of the general statutes of the State of Colorado, entitled "Revenue."

And names Messrs. Fitzgarrald, Leonard and Bent on the part of the House as members of such committee.

Respectfully,
John R. Wallingford,
Chief Clerk.

Also,

State of Colorado,
House of Representatives,
Denver, Colo., February 19, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives has adopted the report of the conference committee on H. B. No. 61,

A bill for an act to amend sections two and three of an act entitled "An act to regulate the hours of labor of mechanics, workingmen and other laborers and to prescribe penalties for the violation thereof," approved March 27, 1893.

Respectfully,

John R. Wallingford,
Chief Clerk.

Also,

State of Colorado,
House of Representatives,
Denver, Colo., February 19, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives has laid on the table S. C. R. No. 8,

Providing for a supply of State maps to the Tenth General Assembly.

Respectfully,

John R. Wallingford,
Chief Clerk.

The following report of the Committee on Finance, laid over from Saturday, February 17, was read as follows:

A majority report of Committee on Finance:

State of Colorado,
Senate Chamber,
Denver, Colo., February 19, 1894.

Mr. President:

Your committee to which was referred H. B. No. 52,

A bill for an act in relation to State canal No. 1; creating the board of control for the construction, operation and maintenance for said canal; authorizing said board to purchase from the State board of land commissioners certain school lands lying under the line of said canal; providing that the State board of land commissioners may sell said lands to the board of control; providing the manner, means and terms of said purchase and sale and the manner, means and terms of constructing and paying for the construction of said canal; making appropriations for incidental expenses of said board of control; providing penalties for the violation of this act, and repealing all acts in conflict with this act,

Have had the same under consideration and beg leave to say the bill under consideration is of as much importance probably as any one that has or will be considered during this session, inasmuch as it has been given prominence in the governor's call and by newspapers throughout the State as one of the principal means by which the unemployed of the State was to be provided for, and as the attention of the public has been so directed to this matter we feel it to be our duty to devote some space to the reasons for our action regarding this bill.

We have listened patiently to those representing the different labor organizations in the State, as well as the boards of trade and other business interests that have called upon us and asked to be heard, urging the passage of this or a similar bill; we have also called upon those who by their profession and experience were able to give us information regarding the feasibility of the plan, with reference to the present

supply of water in the Arkansas river, and after giving due consideration to all the facts and figures presented beg leave to submit the following:

The plan proposed involves the cost of several hundred thousand dollars, very nearly approaching a million. A portion of this is attempted to be provided for by the sale of school lands under the line of the canal, and the balance by certificates which are to be eventually exchangeable for water rights, or payable from the funds arising from the sale of water.

In considering a proposition involving such an expenditure of money by the State, we consider that the same careful examination should be had as would be given by an individual or corporation before entering upon such an enterprise. Leaving out of the question the cost the first query that presents itself is: Is there sufficient water in the Arkansas river not already appropriated to supply this canal? Upon this there is a difference of opinion, the bulk of the testimony goes to show, however, that ditches already constructed will consume all the water and even more than runs through the channel of the river during the latter part of the irrigating season. If this be true then it would be useless to consider the proposition further, unless the water supply could be increased, and as this body has recently postponed the bill, providing for water supply by the construction of Twin Lakes reservoir at this time, we have no assurance that said supply will be increased for some time to come at least.

As one of the provisions of the bill relates to the sale of lands under the canal, in small tracts to actual settlers, we do not think that it would be honest to offer the same to that class of purchasers unless they could be assured that the necessary water would be supplied, neither would it be just to invite that class of people to perform labor on the canal and pay them in certificates that might, in the future be worthless, thus placing the State in the unenviable position of being a party to fraud.

Let it be remembered that the original plan for the construction of this canal was by convict labor and that the State has already spent at least one hundred thousand dollars in the purchase of supplies, material, etc., and that several years will elapse before the rock and flume work above Canon City will be completed; then why this urgent demand for the construction of that part of the canal below Canon City at this time? Certainly there can be no valid reason other than to give employment to those who are now idle for want of work.

In this connection let us say that if it was within our power to give employment either in this or any other way and at the same time do justice to the State we would gladly do it, but we know that the laboring people of this State both employed and unemployed are too honest to expect us to provide employment for them in this way when there is grave doubt of their realizing for their labor, and still graver doubt of the State getting anything in return for its investment.

We are advised that the State now owns thousands of acres along the Arkansas river under ditches constructed by private corporations under contract with the State that are not supplied with water. If this be true, why should other ditches be constructed by the State?

In view of the facts presented we are convinced that it is not expedient for the State at this time to engage in this enterprise further than to examine carefully into all the facts relating to this subject, then if it is ascertained that sufficient water can be provided for the whole or any portion of the land under the proposed canal to provide for the construction of the same so far as practicable.

Therefore your committee would recommend that a careful examination of all the facts connected with the construction and supply of this canal be made, and that the same be prepared and presented to the Tenth General Assembly with the recommenda-

tion that provision be made for the completion of the canal, provided it is ascertained that it can be supplied with water; and as a committee has already been appointed, consisting of three hold-over Senators, to inquire into similar matters, we respectfully recommend that the subject matter of this bill be referred to said committee with instructions to make such examination, and report to the Tenth General Assembly.

J. A. Israel,
A. A. McGovney,
M. A. Leddy.

Mr. President:

A minority of your committee recommend that the bill be referred to the committee of the whole without recommendation.

W. H. Adams,
Jas. F. Drake.

Senator Israel moved that the majority report be adopted.

Senator Steck moved as an amendment the adoption of the minority report.

While the motion was pending the Senate took recess until 2 o'clock p. m.

AFTERNOON SESSION.

The Senate resumed its sitting at 2 o'clock p. m.

The following message was received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., February 19, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives has adopted H. R. No. 26,

Making inquiry as to your disposition of certain House bills.

The resolution is herewith respectfully transmitted.

Respectfully,

John R. Wallingford,
Chief Clerk.

Also,

State of Colorado,
House of Representatives,
Denver, Colo., February 19, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives has concurred in Senate amendments to H. B. No. 57,

A bill for an act to amend sections eighteen, nineteen, twenty and twenty-six of an act entitled "An act in relations to elections; defining offenses against the same, and prescribing punishments therefor," approved March 26,, 1891.

Also,

Has concurred in,

S. C. R. No. 9,

As amended by the House.

The resolution is herewith respectfully transmitted.

Respectfully,

John R. Wallingford,
Chief Clerk.

The following report was received:

Report of Committee on Printing:

State of Colorado,
Senate Chamber,
Denver, Colo., February 19, 1894.

Mr. President:

Your committee to which was referred a substitute for H. B. No. 48, with instructions to have

same printed, beg leave to report the same correctly printed.

Robert Turner,
Chairman.

The question before the Senate being the adoption of the minority report on H. B. No. 52, the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Balsinger, Barela, Drake, Johnson, Mills, Pryor, Smith (Costilla), Steck, Walters, Wheeler—12.

Nays—Senators Boyd, Brown, Graham, Gunnell, Hartzell, Howes, Israel, Leddy, Lockwood, McGovney, McKinley, Merritt, Painter, Swink, Turner—15.

Absent, excused and not voting—Senators Feller, King, Newman, Pease, Smith (Mesa), Timmons, Webber, White—8.

A majority not having voted in the affirmative, the motion did not prevail.

The question being upon the adoption of the majority report the yeas and nays were had with the following result:

Yeas—Senators Boyd, Brown, Graham, Gunnell, Hartzell, Howes, Israel, Leddy, Lockwood, McGovney, McKinley, Merritt, Painter, Swink, Turner—15.

Nays—Senators Adams, Armstrong, Balsinger, Barela, Drake, Johnson, Mills, Pryor, Smith (Costilla), Steck, Walters, Wheeler—12.

Absent, excused and not voting—Senators Feller, King, Newman, Pease, Smith (Mesa), Timmons, Webber, White—8.

A majority having voted in the affirmative the motion prevailed and H. B. No. 52 was disposed of as recommended by the majority of the Committee on Finance.

On motion of Senator Barela the President appointed a conference committee as follows:

H. B. No. 15, Senators McKinley and Drake.

H. B. No. 24, Senators Lockwood and Armstrong.

H. B. No. 26, Senators Pease and Gunnell.

Senator Hartzell called up for reconsideration the conference report on H. B. No. 61, and moved that the question upon its adoption be submitted to a roll call and the question being upon the adoption of the report the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Balsinger, Barela, Boyd, Brown, Drake, Graham, Hartzell, Israel, Johnson, Leddy, Lockwood, McGovney, McKinley, Merritt, Mills, Painter, Pryor, Smith (Costilla), Steck, Swink, Turner, Walters, Wheeler—25.

Nays—Senator Howes—1.

Absent, excused and not voting—Senators Felker, Gunnell, King, Newman, Pease, Smith (Mesa), Timmons, Webber, White—9.

A majority having voted in the affirmative, the report of the conference committee on H. B. No. 61 was adopted.

The amendments by the House to S. C. R. No. 9 were read as follows:

[Insert following in lieu of final clause in original.]

Therefore be it resolved by the Senate, the House concurring,

That the Printing Committees of the House and Senate are hereby directed to have printed a sufficient number of copies of said H. B. No. 57, and also sample ballots, and to deliver the same to the secretary of State, whose duty it shall be to distribute the same to all county, city and town clerks in the State, and that he transmit by mail on or before March 1, 1894, one copy each of said H. B. No. 57 and sample ballots to each such official.

Senator McKinley moved the concurrence in the amendments and the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Balsinger, Barela, Boyd, Brown, Drake, Graham, Hartzell, Howes, Israel, Johnson, Leddy, Lockwood, McGovney, McKinley, Merritt, Mills, Painter, Pryor, Smith (Costilla), Steck, Swink, Turner, Walters, Wheeler—26.

Nays—None.

Absent, excused and not voting—Senators Felker, Gunnell, King, Newman, Pease, Smith (Mesa), Timmons, Webber, White—9.

A majority having voted in the affirmative, the amendment was concurred in.

The following report was received:

State of Colorado,
Senate Chamber,
Denver, Colo., February 19, 1894.

Mr. President:

Your special committee to which was referred H. B. No. 48,

A bill for an act concerning deeds of trust, etc.,

Have had the same under consideration and beg leave to recommend that a substitute by the committee be substituted therefor and that said substitute bill be referred to the committee of the whole and that it do pass.

A. A. McGovney,
Robert Turner,
D. A. Mills.

The report was adopted.

Also,

Your special committee, to which was referred H. B. No. 71,

A bill for an act in relation to mortgages and deeds of trust,

Have had the same under consideration and beg leave to recommend that the same be laid on the table as the subject matter therein contained, in the opinion of your committee, does not properly come under the call for this special session.

A. A. McGovney,
Robert Turner,
D. A. Mills.

The report was laid over.

The resolution presented by Senator Turner at a previous sitting was read as follows:

Whereas, Senators and members of the House desire an extra number of sample ballots; therefore be it

Resolved, That the Printing Committee be authorized to print 2,000 additional ballots in accordance with H. B. No. 57, as amended in the Senate.

On motion of Senator McKinley the resolution was adopted.

Senator McKinley introduced a resolution allowing four days' pay to J. N. Crawford, Richard Southgate and W. M. Collins as deputy sergeants-at-arms, which was laid over under the rules.

The Senate adjourned.

FORTY-SECOND DAY.

TUESDAY, FEBRUARY 20, 1894.

The Senate was called to order at 10 o'clock a. m.

Lieutenant Governor Nichols presiding.

Quorum present.

Prayer by the chaplain.

The journal of the previous day was read and approved.

The following report was received:

Report of committee on conference on H. B. No. 24:

State of Colorado,
Senate Chamber,
Denver, Colo., February 20, 1894.

Mr. President:

Your committee have had H. B. No. 24 under consideration, and beg leave to report that your committee have failed to agree.

Fred Lockwood.

The report was received and the committee discharged.

The following resolution introduced by Senator McKinley on the previous day, was read:

Resolved, That the secretary of the Senate issue a voucher for four (4) days' service each, as assistant sergeants-at-arms, between January 10 and February 12, 1894, to Richard Southgate, J. N. Crawford and M. W. Collins.

On motion of Senator Barela the resolution was adopted.

The adverse report by a special committee on H. B. No. 71 the previous day was taken up for consideration.

On motion of Senator McGovney the report was adopted and the bill was laid on the table.

The following message was received from the House:

State of Colorado,
Senate Chamber,
Denver, Colo., February 20, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives asks for the

appointment of a second conference committee on Senate amendments to H. B. No. 24,

A bill for an act to amend section 92 of an act entitled "An act for an act to provide a code of procedure in civil actions for courts of record in the State of Colorado, and to repeal all acts inconsistent therewith," approved April 7, 1887.

And names Messrs. Reynolds, Fitzgarrald and Norlin on the part of the House as members of such committee.

Respectfully,

John R. Wallingford,
Chief Clerk.

The President appointed a new conference committee on H. B. No. 24, consisting of Senators Pease and Gunnell.

The following report was received:

Report of Committee on Printing:

State of Colorado,
Senate Chamber,
Denver, Colo., February 20, 1894.

Mr. President:

Your committee, to which was referred H. B. No. 61,

A bill for an act to amend certain sections of an act regulating the hours of labor on public works, with instructions to have the report of the committee on conference printed.

Have had the same under consideration and beg leave to recommend that inasmuch as the said report has been printed by the House and the bill is now in the hands of the House, that the secretary be instructed to inform the House of the action of the Senate in regard to the conference report on said bill. so that the bill may be enrolled.

Robert Turner,
Chairman.

The report was adopted.

The following communication was received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., February 20, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives has passed,

Substitute for H. B.'s Nos. 59 and 60,

A bill for an act to provide for establishing and maintaining, at public expense, permanent registration lists of all qualified electors in election precincts included wholly or partially within the limits of cities of the first and second classes, and all other cities with a greater population than fifteen thousand inhabitants, and to provide for punishing all violations thereof, and to repeal all other acts and parts of acts inconsistent therewith.

Emergency clause attached.

The bill is herewith respectfully transmitted.

Jno. R. Wallingford,
Chief Clerk.

State of Colorado,
House of Representatives,
Denver, Colo., February 20, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives has passed,

Without the emergency clause,

H. B. No. 73,

A bill for an act regulating the rate of interest on chattel mortgage loans; regulating the foreclosure of

chattel mortgages; and providing penalties for the violation thereof.

The bill is herewith respectfully transmitted.

Jno. R. Wallingford,
Chief Clerk.

Senator Gunnell moved that H. B. No. 18 be taken from the table and referred to the committee of the whole.

The question being, "Shall the motion prevail?" the yeas and nays were had with the following result:

Yeas—Senators Armstrong, Barela, Boyd, Brown, Drake, Felker, Graham, Gunnell, Howes, Israel, Johnson, Leddy, Lockwood, McGovney, Merritt, Mills, Pease, Pryor, Smith (Costilla), Steck, Swink, Turner, Walters, Wheeler—24.

Nays—Senators Adams, Painter—2.

Absent, excused and not voting—Senators Balsinger, Hartzell, King, McKinley, Newman, Smith Mesa), Timmons, Webber and White—9.

A majority having voted in the affirmative, the motion prevailed and it was so ordered.

The Senate resolved into committee of the whole for the consideration of bills on second reading.

Senator Pryor was called to the chair.

When the committee arose the chairman made the following report:

Report of committee of the whole.

Mr. President:

The committee of the whole Senate has had under consideration the following bills, being the second reading of the same, and instruct me to report as follows:

That H. B. No. 18 be referred to the Revision Committee and do pass

Frank Pryor,
Chairman.

Senator Pryor moved the adoption of the report.

The question being, "Shall the report be adopted?" the yeas and nays were had with the following result:

Yeas—Senators Armstrong, Balsinger, Barela, Boyd, Brown, Drake, Graham, Gunnell, Howes, Johnson, Leddy, McGovney, Merritt, Mills, Pease, Pryor, Smith (Costilla), Steck, Walters, Webber, Wheeler—21.

Nays—Senators Adams, Felker, Israel, Lockwood, Painter, Swink, Turner—7.

Absent, excused and not voting—Senators Hartzell, King, McKinley, Newman, Smith (Mesa), Timmons and White—7.

A majority having voted in the affirmative, the motion prevailed and the report was adopted.

The following bills were read by title and referred.

Substitute for H. B.'s Nos. 59 and 60,

A bill for an act to provide for establishing and maintaining at public expense permanent registration lists of all qualified electors in election precincts included wholly or partially within the limits of cities of the first and second classes, and all other cities with a greater population than fifteen thousand inhabitants, and to provide for punishing all violations thereof, and to repeal all other acts and parts of acts inconsistent therewith.

Referred to special standing committee.

H. B. No. 73,

A bill for an act regulating the rate of interest on chattel mortgage loans; regulating the foreclosure of chattel mortgages; and providing penalties for the violation thereof.

Referred to committee of seven Senators

The following message was received from the House and read in the Senate:

State of Colorado,
House of Representatives.
Denver, Colo., February 20, 1894.

To the Honorable the President of the Senate.

Sir—I am instructed to inform your honorable body that the House of Representatives requests that you return it for further consideration,

H. B. No. 54,

A bill for an act to transfer a part of the unexpended balance standing to the credit of the stock inspection fund to the legislative cash fund.

Also,

H. B. No. 64,

A bill for an act to transfer a part of the unexpended balance of the general revenue of 1891 to the legislative cash fund.

Respectfully,

Jno. R. Wallingford,
Chief Clerk.

On motion of Senator Felker, H. B. No. 54 and H. B. No. 64 were taken from the table and ordered transferred to the House as per request.

Senator Johnson obtained consent to be excused until Thursday.

The Senate took recess until 2 o'clock p. m.

AFTERNOON SESSION.

The Senate resumed its sitting at 2 o'clock p. m.

Senator Adams asked unanimous consent to a motion to request the House to return H. B. No. 7 to the Senate, and that the same be referred to the committee of the whole for further consideration.

Objection being made, the motion was not considered.

On motion of Senator Johnson, a recess was taken until 3 o'clock.

When the Senate resumed the session, Senator Steck moved a call of the Senate, which was agreed to.

The absent Senators were—Senators Barela, Graham, Gunnell, Howes, Israël, McKinley, Merritt, Pease, Swink and Wheeler.

Proceedings under the call were suspended, and the following message was received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., February 20, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives has passed,

Without the emergency clause,

H. B. No. 76,

A bill for an act in relation to trusts, combines and monopolies.

The bill is herewith respectfully transmitted.

Jno. R. Wallingford,
Chief Clerk.

The following bill was read by title and referred to the special standing committee:

H. B. No. 16,

A bill for an act in relation to trusts, combines and monopolies.

The following report was received:

Report of Committee on Finance:

State of Colorado,
Senate Chamber,
Denver, Colo., February 20, 1894.

Mr. President:

Your committee to which was referred H. B. No. 68,

A bill for an act making an appropriation to continue the construction of the State canal No. 1 by convict labor so far as authorized by law,

Have had the same under consideration, and beg leave to recommend that the bill be referred to committee of the whole with the recommendation that it do pass.

J. A. Israel,
Chairman.

The report was adopted.

The Senate resolved into committee of the whole. Senator Adams was called to the chair.

When the committee arose the chairman made the following report:

Report of committee of the whole:

The committee of the whole has had under consideration Senate substitute for H. B. No. 48, and instruct me to report progress and to ask leave to sit again.

W. H. Adams,
Chairman.

The report was adopted.

The Senate adjourned.

FORTY-THIRD DAY.

WEDNESDAY, FEBRUARY 21, 1894.

The Senate was called to order at 10 o'clock a. m.

Lieutenant Governor Nichols presiding.

Quorum present.

Prayer by the chaplain.

The journal of the previous day was read and approved.

The following message was received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., February 21, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives has passed H. B. No. 64,

A bill for an act to transfer a part of the unexpended balance of the general revenue of 1891 and 1892 to the legislative cash fund.

Emergency clause attached.

The bill is herewith respectfully transmitted.

Jno. R. Wallingford,
Chief Clerk.

The Senate resolved into committee of the whole to consider bills on general orders, with Senator Adams in the chair.

When the committee arose the chairman made the following report:

Report of committee of the whole:

Mr. President:

The committee whole Senate has had under consideration H. B. No. 48, and begs leave to recommend as follows:

That H. B. No. 48 be made a special order at 2 o'clock p. m. to-day.

The committee has also had under consideration H. B. No. 68 and instruct me to report progress and ask leave to sit again.

W. H. Adams,
Chairman.

Report adopted.

Senator Gunnell presented a conference report on H. B. No. 24, which was ordered printed.

Senator Drake presented a conference report on H. B. No. 15, which was ordered printed.

The Senate took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

The Senate resumed its sitting at 2 o'clock p. m.

The title to H. B. No. 64 was read and referred to Committee on Finance.

The Senate resolved into committee of the whole, on special and general orders, with Senator Adams in the chair.

When the committee arose the chairman made the following report:

Report of committee of the whole.

Mr. President:

The committee of the whole Senate has had under consideration substitute for H. B. No. 48, and recommends that the same be referred to the Printing Committee, to be reprinted, including proposed

amendments, and be returned to the committee of the whole for further consideration.

Also,

H. B. No. 68,

Have had the same under consideration, and beg leave to recommend that the bill be made a special order for to-morrow at 10 o'clock.

W. H. Adams,
Chairman.

The report was adopted.

The following report was received:

Report of Committee on Printing.

Mr. President:

Your committee, to which was referred the reports of the joint conference committees on H. B.'s Nos. 15 and 24, with instructions to have them printed,

Beg leave to report the same correctly printed.

Robert Turner,
Chairman.

The following conference report was taken up for consideration:

State of Colorado,
Senate Chamber,
Denver, Colo., February 21, 1894.

Mr. President:

Your committee on conference, to which was referred H. B. No. 24,

A bill for an act to amend an act entitled, "An act for an act to provide a code of procedure in civil actions for courts of record in the State of Colorado, and to repeal all acts inconsistent therewith," approved April 7, 1887,

Have had the same under consideration, and beg leave to recommend that the House concur in the

amendments of the Senate whereby the tenth subdivision of section 1 is incorporated in the bill; and that it does not concur in the Senate amendments whereby sections 2, 3, 4, 5 and 6 were incorporated in the bill, and further in Senate amendment whereby the extended emergency clause provided in section 7 be not concurred in, and we recommend that the bill with the above amendments do pass with the emergency clause

J. E. Reynolds,
S. R. Fitzgarrald,
E. W. Norlin,
On part of the House.
Geo. E. Pease,
A. T. Gunnell,

Reserving right to vote against report, on part of the Senate.

Senator Israel moved that the Senate do not concur in the report.

And the yeas and nays were had with the following result:

Yeas—Senators Adams, Boyd, Brown, Graham, Hartzell, Howes, Israel, King, Leddy, Lockwood, McGovney, Merritt, Painter, Pryor, Steck, Swink, Turner, Walters, Webber—19.

Nays—Senators Armstrong, Balsinger, Barela, Drake, Pease, Smith (Costilla), Wheeler—7.

Absent, excused and not voting—Senators Felker, Gunnell, Johnson, McKinley, Mills, Newman, Smith (Mesa), Timmons and White—9.

A majority having voted in the affirmative, the Senate refused to concur in the report.

The committee was continued by mutual consent.

The President announced that he was about to sign, and in the presence of the Senate did sign, H. B. No. 57.

The following conference report was taken up for consideration:

State of Colorado,
Senate Chamber,
Denver, Colo., February 21, 1894.

Mr. President:

Your special joint conference committee to which was referred H. B. No. 15,

A bill for an act to amend the attachment laws in justice courts of the State as prescribed by division 5 of the general statutes of the State of Colorado of 1883,

Have had the same under consideration and beg leave to recommend that the House concur in the amendment of the Senate whereby the seventh subdivision of section 1 is incorporated in the bill.

And that it does not concur in Senate amendments whereby sections 2, 3, 4, 5 and 6 are incorporated in the bill.

And further that it does not concur in the Senate amendment whereby the extended emergency clause as in section 7 is found, be not concurred in.

And we do recommend that the bill as above amended do pass with the usual emergency clause.

R. R. Ross,
Bo Sweeney,
Francis Carney,
On the part of the House.
Jas. F. Drake,
On the part of the Senate.

Senator Hartzell moved that the Senate refuse to concur in the report,

And the yeas and nays were had with the following result:

Yeas—Senators Adams, Boyd, Brown, Hartzell, Howes, Israel, King, Leddy, Lockwood, McGovney,

Merritt, Painter, Pryor, Steck, Swink, Turner, Walters, Webber—18.

Nays—Senators Armstrong, Balsinger, Barela, Drake, Graham, Mills, Pease, Smith (Costilla), Wheeler—9.

Absent, excused and not voting—Senators Feller, Gunnell, Johnson, McKinley, Newman, Smith (Mesa), Timmons and White—8.

A majority having voted in the affirmative, the Senate refused to concur in the report.

The committee was continued by mutual consent.

The following report was received:

State of Colorado,
Senate Chamber,
Denver, Colo., February 21, 1894.

Mr. President:

Your Committee on Revision, to which was referred H. B. No. 16,

A bill for an act to provide for the construction of a bridge across Bear river in Routt county, etc.,

Have had the same under consideration, and beg leave to recommend that said bill be placed upon third reading for final passage, and do pass.

Geo. E. Pease,
Chairman.

The report was adopted.

H. B. No. 18,

A bill for an act to provide for the construction of a bridge across Bear river, in Routt county, at a point near the Marshall ford, about three miles east of the town of Hayden, and appropriating money for the payment of the same.

Was read a third time.

The question being, "Shall the bill pass?" the yeas and nays were had with the following result:

Yeas—Senators Armstrong, Balsinger, Barela, Boyd, Brown, Drake, Graham, Howes, Leddy, McGovney, Merritt, Mills, Pease, Pryor, Smith (Costilla), Steck, Walters, Webber, Wheeler—19.

Nays—Senators Adams, Hartzell, Israel, King, (Mesa), Timmons and White—8.

Absent, excused and not voting—Senators, Feller, Gunnell, Johnson, McKinley, Newman, Smith (Mesa), Timmons and White—8.

A constitutional majority of all the Senators elected having voted in the affirmative, the bill was passed.

The question being upon the adoption of the emergency clause, the yeas and nays were had with the following result:

Yeas—Senators Armstrong, Balsinger, Barela, Boyd, Brown, Drake, Graham, Leddy, Merritt, Mills, Pease, Pryor, Smith (Costilla), Steck, Walters, Webber, Wheeler—17.

Nays—Senators Adams, Hartzell, Israel, King, Lockwood, McGovney, Painter, Swink, Turner—9.

Senator McGovney changed his vote from aye to nay.

Absent, excused and not voting—Senators Feller, Gunnell, Howes, Johnson, McKinley, Newman, Smith (Mesa), Timmons and White—9.

A constitutional majority, being two-thirds of all the Senators elected, not having voted in the affirmative, the emergency clause failed to pass.

The title was read and agreed to.

The following messages were received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., February 21, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives has adopted

the reports of the committees of conference on Senate amendments to H. B.'s Nos. 15 and 24.

Respectfully,

Jno. R. Wallingford,
Chief Clerk.

State of Colorado,
House of Representatives,
Denver, Colo., February 21, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives asks for the appointment of a third conference committee on Senate amendments to H. B. No. 15,

A bill for an act to amend the attachment laws in justice courts of the State as prescribed by division 5 of the general statutes of the State of Colorado of 1883, and names Messrs. Ross, Sweeney and Carney on the part of the House as members of such committee.

Respectfully,

Jno. R. Wallingford,
Chief Clerk.

Also,

State of Colorado,
House of Representatives,
Denver, Colo., February 21, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives asks for the appointment of a third conference committee on Senate amendments to H. B. No. 24, and names Messrs. Reynolds, Fitzgarrald and Norlin on the part of the House as members of such committee.

Respectfully,

Jno. R. Wallingford,
Chief Clerk.

The President of the Senate announced that he was about to sign, and in the presence of the Senate did sign, H. B. No. 61.

The following conference report was presented by Senator Gunnell:

Denver, Colo., February 21, 1894.

Mr. Speaker:

Your committee on conference to which was referred H. B. No. 24,

A bill for an an act to amend an act for an act to provide a code of civil procedure in civil actions for courts of record in the State of Colorado, and to repeal all acts inconsistent therewith," approved April 7, 1887,

Have had the same under consideration, and beg leave to recommend that the House concur in the amendment of the Senate whereby the tenth subdivision of section 1 is incorporated in the bill; and that it do not concur in Senate amendment, whereby sections 2, 3, 4, 5 and 6 were added to the bill.

Your committee further recommend that the House do concur in the amendment of the Senate whereby section 7 of the bill as amended by the Senate was added thereto, and that so amended do pass.

A. T. Gunnell,

Geo. E. Pease,

On the part of the Senate.

J. E. Reynolds,

S. R. Fitzgarrald,

On the part of the House.

I fail to agree with the above recommendation.

E. W. Norlin.

Senator Hartzell moved that the rule be suspended regarding the printing of the report, that it might be considered immediately.

The question being "Shall the rules be suspended to print the report?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Balsinger, Boyd, Brown, Felker, Graham, Gunnell, Hartzell, Howes, Israel, King, Leddy, Lockwood, McGovney, Merritt, Mills, Painter, Pease, Smith (Costilla), Steck, Swink, Turner, Walters, Wheeler—26.

Nays—Senator Barela—1.

Absent, excused and not voting—Senators Drake, Johnson, McKinley, Newman, Pryor, Smith (Mesa), Timmons and White—8.

A majority, being two-thirds of all the Senators voting, having voted in the affirmative, it was agreed to suspend the rules.

Senator Hartzell moved that the Senate concur in the report.

Senator Felker moved as an amendment that the Senate non-concur in the report,

And the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Balsinger, Felker, King, McGovney, Merritt, Mills, Steck, Swink, Webber—11.

Nays—Senators Barela, Boyd, Brown, Drake, Graham, Gunnell, Hartzell, Howes, Israel, King, Graham, Gunnell, Hartzell, Howes, Leddy, Lockwood, Painter, Pease, Turner, Wheeler—14.

Absent, excused and not voting—Senators Israel, Johnson, McKinley, Newman, Pryor, Smith (Mesa), Smith, (Costilla), Timmons, Walters and White—10.

A majority not having voted in the affirmative, the motion did not prevail.

The question being upon the motion to concur in the report, the yeas and nays were had with the following result:

Yeas—Senators Barela, Boyd, Brown, Drake, Graham, Gunnell, Hartzell, Howes, Israel, King, Leddy, Lockwood, Painter, Pease, Turner—15.

Nays—Senators Adams, Armstrong, Balsinger, Felker, McGovney, Merritt, Mills, Smith (Costilla), Steck, Swink, Webber, Wheeler—12.

Absent, excused and not voting—Senators Johnson, McKinley, Newman, Pryor, Smith (Mesa), Timmons, Walters and White—8

A constitutional majority of all the Senators elected not having voted in the affirmative, the motion to concur in the report was not agreed to.

The following message was received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., February 21, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives asks for the appointment of a fourth conference committee on H. B. No. 24, and names Messrs. Hallett, Hunter and Thomas on the part of the House as members of such committee.

Respectfully,

Jno. R. Wallingford,
Chief Clerk.

Senator Drake presented the following conference report:

State of Colorado,
House of Representatives,
Denver, Colo., February 21, 1894.

Mr. President:

Your committee on conference to which was referred H. B. No. 15,

A bill for an act to amend the attachment laws in justice courts of the State as prescribed by division 5 of the general statutes of the State of Colorado of 1883,

Have had the same under consideration, and beg leave to recommend that the Senate concur in the amendments to the Senate whereby the tenth subdivision of section 1 is incorporated in the bill, and that it do not concur in the Senate amendments whereby sections 2, 3, 4, 5 and 6 were added to the bill.

And your committee further recommend that the Senate do concur in the amendments of the Senate whereby section 7 of the bill as amended by the Senate was added thereto and that as so amended do pass.

Jas. F. Drake,
On the part of the Senate.
R. R. Ross,
Bo Sweeney,
Francis Carney,
On the part of the House.

Senator Drake moved the adoption of the report.

While the motion was pending the following communication was received from the House, which was read:

State of Colorado,
House of Representatives,
Denver, Colo., February 21, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives has refused to adopt report of conference committee on H. B. No. 15, and asks that the same be referred to the conference committee on Senate amendments to H. B. No. 24, which reference has been made by the House.

Respectfully,

Jno. R. Wallingford,
Chief Clerk.

Senator Barela moved that the Senate concede to the proposition of the House, and that a joint conference committee on H. B.'s Nos. 24 and 15 be appointed.

The motion prevailed.

The President appointed Senators Wheeler and Hartzell.

The following report was received:

Report of Committee on Revision:

Mr. President:

Your committee, to which was referred H. B. No. 34,

A bill for an act to amend an act entitled "An act to exempt certain wages and earnings of debtors from levy and attachment for debt, and acts amendatory thereof, approved March 28, 1885,

Have had the same under consideration and beg leave to recommend that the bill be placed on file for third reading.

Geo. E. Pease,
Chairman.

The report was adopted.

On motion of Senator McGovney, H. B. No. 34 was placed on file for third reading.

H. B. No. 34, by Mr. McKnight,

A bill for an act to amend general section 2567 of Mills' Annotated Statutes of Colorado, entitled an act to exempt certain wages and earnings of debtors from levy and attachment for debts, approved March 28, 1885, in force June 28, 1885, page 202, the same being an act of the General Assembly of 1889, and found on page 463 of session laws of 1889.

Was read a third time as amended by the Senate.

The question being, "Shall the bill pass as amended?" the yeas and nays were had with the following result:

Yeas—Senator Adams, Armstrong, (Balsinger, Barela, Boyd, Brown, Drake, Graham, Gunnell, Hartzell, Howes, Israel, King, Leddy, Lockwood, McGovney, Merritt, Mills, Painter, Pease, Smith (Costilla), Steck, Swink, Turner, Webber, Wheeler—26.

Nays—None.

Absent, excused and not voting—Senators Felker, Johnson, McKinley, Newman, Pryor, Smith (Mesa), Timmons, Walters and White—9.

A constitutional majority of all the Senators elected having voted in the affirmative, the bill was passed.

The title as read was agreed to.

Senator Gunnell presented his resignation as member of special committee to consider H. B. No. 26.

The resignation was accepted, and Senator McGovney appointed to fill the vacancy.

Senator Gunnell obtained consent to be excused from attendance on Friday and Saturday of the week.

The Senate adjourned.

FORTY-FOURTH DAY.

THURSDAY, FEBRUARY 22, 1894.

The Senate was called to order at 10 o'clock.

Lieutenant Governor Nichols presiding.

Quorum present.

Prayer by the chaplain.

The journal of the previous day was read and approved.

The special order for 10 o'clock being the consideration of H. B. No. 68,

On motion of Senator Lockwood, the special order was continued until 2 o'clock p. m.

Senator Merritt presented a petition from officers of Highlands Woman's Republican Association, urging the Senate to pass Senate substitute for H. B. No. 79.

Referred to special standing committee.

The following report was received from the special standing committee:

Mr. President:

Your special committee on House bills to which was referred H. B. No. 76,

A bill for an act in relation to trusts, combines and monopolies,

Have had the same under consideration, and beg leave to recommend that the bill be referred to the committee of the whole without recommendation;

Also,

H. B. No. 73,

A bill for an act regulating the rate of interest on chattel mortgage, loans, etc.,

Have had the same under consideration, and beg leave to recommend that the bill referred to the committee of the whole, with the recommendation that it do not pass.

Also,

Substitute for H. B.'s Nos. 59 and 60,

A bill for an act to provide for establishing permanent registration lists at public expense,

Have had the same under consideration, and beg leave to recommend that it be considered in committee of the whole.

E. W. Merritt,
Acting Chairman.

The report was adopted.

The following message was received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., February 22, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives has non-concurred in Senate amendments to H. B. No. 34,

A bill for an act to amend an act entitled, "An act to exempt certain wages and earnings of debtors from levy and attachment for debt," and acts amendatory thereof approved March 28, 1885.

The bill is herewith respectfully transmitted.

Respectfully,

Jno. R. Wallingford,
Chief Clerk.

Senator Drake presented a resolution relative to an investigation of the office of the State engineer by the special committee of holdover Senators in relation to the expenditure of certain money.

The resolution was laid over.

The Senate resolved into committee of the whole on general orders.

Senator Boyd was called to the chair.

When the committee arose the chairman made the following report:

Report of committee of the whole.

Mr. President:

The committee of the whole Senate has had under consideration H. B. No. 73, being the second reading of the same, and instruct me to report progress and to ask leave to sit again.

David Boyd,
Chairman.

The report was adopted.

The Senate took recess until 2 o'clock p. m.

AFTERNOON SESSION.

The Senate resumed its sitting at 2 o'clock p. m.

Senator Israel moved a call of the Senate, which was agreed to, and the roll was called.

Absent were—Senators Barela, Drake, Felker, Hartzell, Lockwood, McKinley, Merritt, Walters and White—9.

The sergeant-at-arms was instructed to bring in the absent Senators.

Senator Lockwood was reported present.

A motion by Senator Smith to suspend further proceedings under the call was agreed to.

Senator Lockwood moved that the Senate resolve into committee of the whole on special and general orders.

Senator Israel moved as an amendment that the Senate adjourn.

The motion did not prevail to adjourn.

And it was agreed to resolve into committee of the whole in accordance with the motion of Senator Lockwood.

Senator Boyd was called to the chair.

When the committee arose the chairman made the following report:

Report of committee of the whole.

Mr. President:

The committee of the whole has had under consideration several House bills, being the second reading of the same, and beg leave to report as follows:

That H. B. No. 73 be amended by striking out in section 1 all of lines 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22, up to the word "From" in line 22 of the engrossed bill.

Also strike out from and including the word "invalid," in line 29, up to and including the word

"wife" in line 31, and insert "Void unless the same is given to secure the purchase money thereof;" also strike out the words "provided that" in line 27 engrossed bill; also strike out the word "which" in line 28, up to and including the word "attachment" in line 29, and insert "used by the debtor for his or her family."

That the words of section 2, from the first word "where," up to and including the word "provided," in line 2, second page, be stricken out.

Add at end of section 1, "Provided, That this act shall not apply to renewals of existing mortgages or to loans made for the purpose of paying such existing mortgages.

That section 3 be stricken out entire.

That section 4 be made section 3.

That section 5 be stricken out, and that said bill as amended be referred to the Revision Committee.

That H. B. No. 68 be made special order for 11 o'clock a. m., Friday.

D. Boyd,
Chairman.

The report was adopted.

Senator Wheeler presented a conference report of the joint conference committee on H. B.'s No. 15 and 27.

The report was ordered printed.

The Senate resolved into committee of the whole on general orders.

Senator Wheeler was called to the chair.

When the committee arose the chairman made the following report:

Report of committee of the whole:

Mr. President:

The committee of the whole Senate having had under consideration H. B. No. 76, being the second

reading thereof, beg leave to recommend that in said bill No. 76, the enacting clause be stricken out.

H. B.'s Nos. 59 and 60 read the second time and report progress, and that said bill be made a special order for to-morrow at 2 p. m.

B. Clark Wheeler,
Chairman.

Senator Wheeler moved the adoption of the report, which was agreed to.

Senator Armstrong called up the message from the House wherein that body gave notice that it had refused to adopt the amendments by the Senate to H. B. No. 34, and moved that the Senate insist upon its amendments to the bill.

The motion prevailed, and the Senate insisted upon its amendments to the bill.

Senator Merritt presented the "adverse" report on H. B. No. 56, which was laid over under the rules.

The Senate adjourned.

FORTY-FIFTH DAY.

FRIDAY, FEBRUARY 23, 1894.

The Senate was called to order at 10 o'clock a. m.

Lieutenant Governor Nichols presiding.

Prayer by the chaplain.

There being no quorum present, a call of the Senate was ordered.

The roll was called, and Senators absent without excuse were Armstrong, Balsinger, Drake, Felker,

Hartzell, Howes, McGovney, McKinley, Merritt, Smith (Costilla), Smith (Mesa), Steck, Walters, Webber, White.

The sergeant-at-arms was instructed to bring in the absentees.

Senators B. L. Smith, Merritt and Walters were reported present.

A motion to dispense with further proceedings under the call were met with a tie vote.

The president of the Senate voted aye, and proceedings under the call were suspended.

The journal of the previous day was read and approved.

The following report was received:

Report of the Committee on Printing:

Mr. President:

Your committee, to which was referred a substitute for H. B. No. 48 as amended by the committee of the whole Senate, and also report of conference committee on H. B.'s Nos. 24 and 15, with instructions to have them printed, beg leave to report the same correctly printed.

Robert Turner,
Chairman.

The following message was received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., February 23, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives asks for the appointment of a conference committee on H. B. No.

34, and names Messrs. McKnight, Ross and Putnam on the part of the House as members of such committee.

Respectfully,

Jno. R. Wallingford,
Chief Clerk.

Senator Wheeler moved that the request of the House for a conference committee be complied with and that the president appoint a committee of conference on H. B. No. 34.

The motion prevailed, and the president appointed Senators Adams and B. L. Smith.

The following communication was read and ordered placed on file.

United States Senate,
Washington, D. C.,
February 19, 1894.

Hon. William R. Kennedy, Secretary State Senate,
Denver, Colo.

Dear Sir—Yours of the 14th inst., enclosing Senate concurrent resolution No. 7 has been duly received, and shall receive careful consideration.

Yours very truly,

Edward O. Wolcott,
Committee on Private Land Claims,
House of Representatives, U. S.,
Washington, D. C., February 19, 1894.

Mr. William R. Kennedy, Secretary of the Senate,
Denver, Colo.:

Dear Sir—I have the honor to acknowledge the receipt of your favor of the 14th inst., and accompanying copy of Senate concurrent resolution No. 7.

I will take pleasure in presenting the resolution to the attention of Congress and do what I can to secure an appropriation for the purpose indicated.

Yours truly,

John C. Bell.

The following conference report was taken up for consideration and read.

Report of conference committee on H. B.'s Nos. 15 and 24.

Mr. President:

Your committee to which was referred H. B.'s Nos. 15 and 24,

A bill for an act to amend an act entitled "An act for an act to provide a code of procedure in civil actions for courts of record in the State of Colorado, and to repeal all acts inconsistent therewith," approved April 7, 1887,

And a bill for an act to amend the attachment laws in justice courts of the State, as prescribed by division 5 of the general statutes of the State of Colorado of 1883,

Have had the same under consideration, and beg leave to recommend that in H. B. No. 24, sec. 1, be amended by adding the following:

Thirteenth—That the action is brought upon an overdue promissory note, bill of exchange, or other written instrument, for the direct and unconditional payment of money only, or upon an overdue book account.

And by further amending the bill by substituting for section 7 the following:

"Whereas, in the opinion of the General Assembly an emergency exists, therefore this act shall be in force and take effect from and after its passage."

That H. B. No. 15 be amended as follows: Section 1 of said bill be amended by adding the following:

Tenth— In all suits brought upon overdue promissory notes, bills of exchange, other instruments of writing for the direct payment of money and upon book accounts, the creditor may have a writ of attachment issued upon complying with the provisions of this act.

And further amending by substituting for section 7 the following:

Whereas, in the opinion of the General Assembly an emergency exists, therefore this act shall be in force and take effect from and after its passage.

Your committee further states that the foregoing recommendations will leave the present attachment laws as they now stand with what is known as the pro rate provisions added. That the above recommendations are made on account of the belief which the members of the committee entertain that no other law can at the present session pass both bodies, and that the same will meet with the approval of the majority of those desiring a change in the present laws.

B. Clark Wheeler,
Charles Hartzell,
On the part of the Senate.
H. W. Hallett,
R. F. Hunter,
Wm. J. Thomas,
On the part of the House.

Senator Hartzell moved the adoption of the report.

The question being upon the adoption of the report, the yeas and nays were had with the following result:

Yeas—Senators Balsinger, Barela, Boyd, Brown, Felker, Graham, Hartzell, Howes, Johnson, King,

Leddy, Mills, Painter, Pryor, Smith (Costilla), Steck, Swink, Turner, Walters, Webber, Wheeler, White—22.

Senator Merritt announced that he was paired with Senator Pease.

Nays—Senators Adams, Drake—2.

Absent, excused and not voting—Senators Armstrong, Gunnell, Israel, Lockwood, McGovney, McKinley, Merritt, Newman, Pease, Smith (Mesa) and Timmons—11.

A constitutional majority of all the Senators elected having voted in the affirmative, the report was declared adopted.

Senator Barela moved the Senate proceed to vote upon the emergency clause contained in the report, as related to H. B. No. 15.

The motion prevailed.

The question being upon the adoption of the emergency clause, the yeas and nays were called.

The announcement of the vote was suspended and a call of the Senate was ordered, and Senators absent without excuse were ordered brought before the bar of the Senate.

When proceedings under the call was suspended, the yeas and nays were announced with the following result, upon the emergency clause to H. B. No. 15.

Yeas—Senators Adams, Balsinger, Barela, Boyd, Brown, Drake, Felker, Graham, Hartzell, Howes, Israel, Johnson, King, Leddy, Mills, Painter, Pryor, Smith (Costilla), Steck, Swink, Turner, Walters, Webber, Wheeler, White—25.

Nays—None.

Senator Merritt announced that he was paired with Senator Pease.

Absent, excused and not voting—Senators Armstrong, Gunnell, Lockwood, McGovney, McKinley,

Merritt, Newman, Pease, Smith (Mesa) and Timmons—10.

A constitutional majority, being two-thirds of all the Senators elected, having voted in the affirmative, the emergency clause was declared passed.

Senator Hartzell moved that the Senate proceed to vote upon the emergency clause proposed to H. B. No. 24 in the conference report.

The motion prevailed and the yeas and nays were had with the following result:

Yeas—Senators Adams, Balsinger, Barela, Boyd, Brown, Drake, Felker, Graham, Hartzell, Howes, Israel, Johnson, King, Leddy, Mills, Painter, Pryor, Smith (Costilla), Steck, Swink, Turner, Walters, Webber, Wheeler, White—25.

Nays—None.

Senator Merritt announced he was paired with Senator Pease.

Absent, excused and not voting—Senators Armstrong, Gunnell, Lockwood, McGovney, McKinley, Merritt, Newman, Pease, Smith (Mesa), Timmons—10.

A constitutional majority, being two-thirds of all the Senators elected, having voted in the affirmative, the emergency clause to H. B. No. 24 was declared passed.

The adverse report of the special standing committee on H. B. No. 56 was taken up for consideration and read as follows:

Report of special committee on House bills:

Mr. President:

Your committee to which was referred H. B. No. 56,

A bill for an act to establish a banking department in and for the State of Colorado, and to repeal certain sections of the statutes relating to banks, trust companies, building and loan associations and other corporations,

Have had the same under consideration and beg leave to recommend that in the opinion of your special committee it would be unwise to pass such a radical bill at this time for the following reasons:

First—The provisions of said bill are altogether too harsh and arbitrary in almost every section.

A—The governor appoints a superintendent of banks, to whom the bill gives more power than the comptroller of the currency of the United States now has. By the provisions of the bill he is authorized to appoint and remove any number of clerks and pay them any salary he chooses. It allows the superintendent to usurp the powers of our courts in granting him the right to fine and imprison for failing to promptly obey his orders.

B—The bill does entirely away with all private banks, which will be a great hardship to many of our people, and it would be almost impossible for a bank to be organized in the majority of the small towns throughout the State under the restrictions imposed by the bill, which would be a great inconvenience to the people.

C—Banks are required to have 50 per cent. of their capital paid in before receiving deposits, while building and loan associations are only required to have 5 per cent. of their capital paid in before receiving deposits; also banks cannot loan to directors, while building and loan associations can.

D—Foreign corporations can come into our State and start in business at once, while directors of our home banks are required to have lived at least one year in the State.

These provisions are manifestly unfair.

Second—The State and private banks in Colorado have stood the recent financial flurry better than the National banks, and owing to the general business depression our banks, trust companies and building and loan associations are carrying a large number of

borrowers, far more than this bill would allow, although well secured, and if they should be compelled to fully comply with the provisions of said bill at this time, it would entail a severe and unnecessary hardship upon the business community at a time when liberality upon the part of all creditors is a matter of necessity to nearly all of our people. Were this measure to become a law, a great many business men would be necessarily closed out.

Third—Your committee have listened carefully to all suggestions, and all from whom we have heard agree with your committee, that the entire bill should be reconstructed under any circumstances before it should be allowed to become a law.

Your committee are unanimously in favor of a good and equitable State banking law, but consider the subject of too much importance to attempt getting up a substitute bill without the most careful and extended consideration.

We believe that our time is too limited at this late day in the session to prepare a suitable substitute that would be just to all concerned. Investors are carefully watching the trend of legislation at this special session, and we consider it would be unwise to recommend any legislation that could be construed as prejudicial to the interest of investments made in our State. We believe this measure should be considered at a regular session of the Legislature at a time when the existing conditions are more normal, and therefore recommend the bill for indefinite postponement.

A. B. McKinley,
Chairman.

E. W. Merritt,
Robert Turner,
J. G. Johnson,
J. H. Painter,
Frank Pryor.

Senator Felker moved the adoption of the report of the committee, and that the bill be indefinitely postponed.

Senator Webber moved as an amendment that the report be amended to refer the bill to the consideration of the committee of the whole.

While the motion was pending, Senator Webber moved the Senate take a recess until 2 o'clock p. m.

The motion prevailed, and the Senate took a recess.

AFTERNOON SESSION.

The Senate resumed its sitting at 2 o'clock p. m.

A roll call of the Senate was ordered, and the absent Senators were Hartzell, McKinley, Smith (Mesa), Wheeler and White.

The sergeant-at-arms was instructed to bring in the absent members.

Several Senators were reported having put in an appearance, and further proceedings under the call were suspended.

A recess of fifteen minutes was agreed to.

When the Senate resumed its sitting, Senator Balsinger moved the Senate go into committee of the whole on special orders, H. B. No. 68 and substitute for H. B.'s Nos. 59 and 60.

The motion prevailed.

The Senate resolved into committee of the whole. Senator Felker was called to the chair.

When the committee arose the chairman made the following report.

Report of committee of the whole:

Mr. President:

The committee of the whole Senate having had under consideration H. B. No. 68, being the second

reading of the same, beg leave to make the following report:

That H. B. No. 68 be amended by striking out the word "materials" in first line of sec. 3, and that the bill as amended be referred to the Revision Committee.

That substitute for H. B.'s Nos. 59 and 60 be amended as follows:

First—Insert in sec. 2, line 9, second page of the engrossed bill, the following:

"It shall be the duty of the board of county commissioners in all counties having precincts governed by the provisions of this act to appoint at the same time provided herein for the appointment of canvassers, three persons to act as supervisors of registration, representing the three political parties casting the first highest and second highest and the third highest number of votes at the preceding State election; said supervisors shall be elected from names submitted by the chairman of the county central committee of the respective parties aforesaid, and not otherwise."

Second—In line 13, third page, section 3, after "a" insert "native born," and strike out "by birth of parents who were born citizens of the United States."

Third—Also strike out all after "address" in line twenty-four to end of section.

Fourth—In second column, page 7, strike out "or betwen self and parents," and add "or husband."

Add at end of sec. 9 the following words:

"At the time prescribed by law, the officer charged by law with the division or alteration of the election precincts included wholly or partially within the limits of any city of the first or second class, whether incorporated under the general law or special charter, with a greater population than 15,000 inhabitants, shall alter or divide the existing election pre-

cinets wherever necessary, in such manner that each election precinct shall contain not more than 500 voters."

Strike out the word "ten" wherever it appears in sec. 12, and insert instead the word "five."

In sec. 14 insert the word "out" after "stricken," in line 46 printed bill.

Strike out the word "and" in line 16, section 15. Strike out "females" and "males" in sec. 16, and insert instead the words "women" and "men," and that said bill as amended be referred to the Revision Committee.

W. B. Felker,
Chairman.

Senator Felker moved the adoption of the report.

Senator White moved as an amendment that the amendment proposed by the committee to substitute for H. B. No. 59, as shown in printed bill, line 7, page 2, sec. 2, after the word "precinct," be excepted from the report.

The question being upon the exception of the amendment from the report, the yeas and nays were had with the following result:

Yeas—Senators Boyd, Brown, Drake, Felker, Hartzell, Howes, Israel, Leddy, McGovney, Merritt, Painter, Steck, Swink, Webber, White—15.

Nays—Senators Adams, Armstrong, Balsinger, Barela, Graham, Johnson, King, Mills, Smith (Costilla), Turner, Walters, Wheeler—12.

Absent, excused and not voting: Senators, Gunnell, Lockwood, McKinley, Newman, Pease, Pryor, Smith (Mesa) and Timmons—8.

A majority having voted in the affirmative, the amendment was accepted in the motion to adopt the report.

Senator Barela moved to except the amendment proposed in sec. 3, relating to the age of women, and moved that the original words be restored to the bill.

The question being upon the restoration of the original words to the bill, the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Balsinger, Barela, Brown, Drake, Hartzell, Howes, Israel, Johnson, King, Leddy, McGovney, Merritt, Smith (Costilla), Steck, Walters, Webber, White—19.

Nays—Senators Boyd, Felker, Graham, Mills, Painter, Swink, Turner, Wheeler—8.

Absent, excused and not voting—Senators Gunnell, Lockwood, McKinley, Newman, Pease, Pryor, Smith (Mesa) and Timmons—8.

Absent, excused and not voting—Senators Gunnell, Lockwood, McKinley, Newman, Pease, Pryor, Smith (Mesa), Timmons—8.

A majority having voted in the affirmative, the motion prevailed and the amendment was excepted from the report.

The report was adopted as amended.

Senator Walters was excused from attendance until Monday next.

The following communications were received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., February 23, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives has passed H. C. R. No. 14,

Concerning a submission of certain interrogatories to the Supreme Court on the part of the House touching H. B. No. 26.

The resolution is herewith respectfully transmitted.

Respectfully,

Jno. R. Wallingford,
Chief Clerk.

State of Colorado,
House of Representatives,
Denver, Colo., February 23, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives has refused to concur in report of joint conference committee on H. B.'s Nos. 15 and 24, and asks for the appointment of another joint committee of conference on said bills, and names Messrs. Carnahan, Brown and Hynes on the part of the House as members of such committee.

Respectfully,

Jno. R. Wallingford,
Chief Clerk.

The question before the Senate being the consideration of the report of the special committee on H. B. No. 56,

Senator Adams obtained unanimous consent to make a conference report on H. B. No. 34, which was ordered printed.

Report of committee of conference on H. B. No. 34:

State of Colorado,
Senate Chamber,
Denver, Colo., February 23, 1894.

Mr. President:

Your committee on conference, to which was referred H. B. No. 34,

A bill for an act to amend an act entitled an "Act to exempt certain wages and earnings of debtors from levy and attachment for debt, and acts amendatory thereof," approved April 28, 1885, *

Have had the same under consideration and beg leave to recommend that the same be amended by adding to section one (1), in line three (3), the following after the words and figures "\$50" for each and every month's wages due to the party so attached."

W. H. Adams,

B. L. Smith,

On part of Senate.

R. A. McKnight,

R. R. Ross,

T. F. Putnam,

On part of House.

Senator Webber arose in his seat and demanded a roll call upon the question pending at the close of the forenoon session relating to the disposition of the committee report on H. B. No. 56.

Senator Felker moved as an amendment that consideration of the report be made a special order for tomorrow afternoon at 2 o'clock.

Senator Webber asked protection for his motion to refer the bill to the committee of the whole.

The President declared the motion in order presented by Senator Felker.

A recess of fifteen minutes was taken on motion of Senator Balsinger.

When the sitting was resumed, Senator Steck moved the Senate adjourn.

The motion prevailed, and the Senate adjourned.

FORTY-SIXTH DAY.

SATURDAY, FEBRUARY 24, 1894.

The Senate was called to order at 10 o'clock.

Lieutenant Governor Nichols presiding.

Quorum present.

Prayer by the chaplain.

The journal of the previous day was read and approved.

H. C. R. No. 14, in relation to the appointment of a joint committee of attorneys to present argument before the Supreme Court as to the constitutionality of H. B. No. 26 was read.

Senator Webber moved the adoption of the resolution.

The resolution was adopted.

The President appointed Senators Pease and Hartzell to represent the Senate in the argument.

The question of appointing another joint conference report on H. B.'s Nos. 15 and 24,

Senator Barela moved that a committee be appointed and instructed not to act until Monday next in the afternoon, as suggested by Senator Lockwood.

The motion prevailed, and the President appointed Senators Howes and Steck.

The following report was received:

Report of Committee on Revision:

State of Colorado,
Senate Chamber,
Denver, Colo., February 23, 1894.

Mr. President:

Your committee, to which was referred H. B. No.

A bill for an act to regulate the rate of interest on chattel mortgages, etc.

Have had the same under consideration, and beg leave to report as follows: That said bill be placed upon the calendar for third reading and final passage, and do pass.

D. C. Webber,
Acting Chairman.

The report was adopted.

State of Colorado,
Senate Chamber,
Denver, Colo., February 23, 1894.

The resolution introduced by Senator Drake on the previous day was read.

On motion of Senator Wheeler the resolution was amended to read as follows:

By Senator Drake.

Resolved, That the committee of three hold-over Senators heretofore appointed to inquire into State canal matters be and hereby are authorized to extend their investigation into the affairs of the State engineer's office, and especially concerning the expenditure of the public funds in the survey of State canal No. 1, and the survey of Twin Lakes reservoir, and make a report of the result of their investigation to the Tenth General Assembly; also investigate all moneys expended in building ditch and reservoir.

As amended the resolution was adopted.

H. B. No. 73,

By Mr. Bromley,

A bill for an act regulating the rate of interest on chattel mortgage loans; regulating the foreclosure of chattel mortgages; and providing penalties for the violation thereof.

Was read a third time.

The question being, "Shall the bill pass?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Balsinger, Barela, Boyd, Brown, Drake, Graham, Howes, Johnson, Lockwood, Mills, Smith (Costilla), Steck, Swink, Turner, Webber, Wheeler, White—19.

Nays—Senators Felker, Gunnell, Israel, Leddy, McGovney, Merritt, Painter—7.

Absent, excused and not voting—Senators Hartzell, King, McKinley, Newman, Pease, Pryor, Smith (Mesa), Timmons, Walters—8.

A constitutional majority of all the Senators elected having voted in the affirmative, the bill was passed.

It was agreed to suspend temporarily the call of the roll upon the emergency clause.

Senator Balsinger moved a reconsideration of the vote whereby the bill was passed.

The question being, "Shall the motion prevail to reconsider?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Balsinger, Barela, Boyd, Drake, Felker, Graham, Howes, Israel, Johnson, Lockwood, Merritt, Mills, Painter, Smith (Costilla), Steck, Swink, Turner, Webber, Wheeler, White—22.

Nays—Senators Brown, Gunnell, Leddy, McGovney—4.

Absent, excused and not voting—Senators Hartzell, King, McKinley, Newman, Pease, Pryor, Smith (Mesa), Timmons, Walters—9.

A majority having voted in the affirmative, it was agreed to reconsider the vote, which was done.

On motion of Senator Balsinger the bill was re-committed to the Committee on Revision for further consideration.

The following report was received:

Report of Committee on Printing:

Mr. President:

Your committee, to which was referred report of conference committee on H. B. No. 34 with instructions to have same printed, beg leave to report same correctly printed.

Robert Turner,
Chairman.

The conference report on H. B. No. 34 was read as follows:

State of Colorado,
Senate Chamber,
Denver, Colo., February 23, 1894.

Mr. President:

Your committee on conference to which was referred H. B. No. 34,

A bill for an act to amend an act entitled an act to exempt certain wages and earnings of debtors from levy and attachment for debt, and acts amendatory thereof, approved April 28, 1885,

Have had the same under consideration and beg leave to recommend that same be amended by adding to section one (1), in line three (3), the following after the words and figures "\$50," "for each and every month's wages due to the party so attached."

W. H. Adams,
B. L. Smith,
On part of Senate.
R. A. McKnight,
R. R. Ross,
T. F. Putnam,
On part of House.

Senator Wheeler moved the adoption of the report, and the roll was called.

Before the vote was announced, Senator Adams moved that the announcement of the result of the roll call be suspended until 2 o'clock p. m.

The motion prevailed.

The committee on finance made the majority and minority reports, as follows:

Report of Committee on Finance:

State of Colorado,
Senate Chamber,
Denver, Colo., February 23, 1884.

Mr. President:

Your committee, to which was referred H. B. No. 64,

A bill for an act to transfer the unexpended balance of the general revenues of 1891 and 1892 to the legislative cash fund,

Have had the same under consideration, and beg leave to recommend that "and 1892" be stricken out of the title, and that the bill be amended as follows:

Section 1 of said bill be amended by striking out the letter "s" in the words "years," in line 19, of the engrossed copy of the bill, and, in line 20 the word "and" and the figures "1892," and in line 27 strike out the word "and" and the figures "1894."

The reasons for these amendments are that the Eighth General Assembly, by act approved April 9, 1891, after legalizing certain excess and deficiency warrants, provided that the surplus revenues of future years, remaining in the treasury after the fixed charges and appropriations for such years had been paid, should be used, and by that act were appropriated for the purpose of paying the excess and deficiency warrants referred to in said act.

In our opinion the said act has done much to strengthen the credit of this State, and by it the holders of these warrants have been assured that these

claims against the State would be paid in the way therein provided.

Therefore we consider that it would be unjust to repeal this act as proposed by the bill under consideration when no better reason is given than to provide for the payment of the expenses of this extraordinary session.

We recommend that the bill be amended as above suggested in committee of the whole, and when so amended that it do pass.

J. A. Israel,
A. A. McGovney.

Report of Committee on Finance.

State of Colorado,
Senate Chamber,
Denver, Colo., February 23, 1894.

Mr. President:

Your committee, to which was referred H. B. No. 64,

A bill for an act to transfer the unexpended balance of the general revenues of 1891 and 1892 to the legislative cash fund,

Have had the same under consideration, and beg leave to recommend that the bill be referred to the committee of the whole without recommendation.

M. A. Leddy,
W. H. Adams,
Jas. F. Drake.

On motion of Senator Lockwood, as both reports recommended the reference of the bill to the committee of the whole, that part of the report was adopted, and the bill was so referred.

The following report was received:

Report of Committee on Revision.

State of Colorado,
Senate Chamber,
Denver, Colo., February 23, 1894.

Mr. President:

Your committee, to which was referred H. B. No. 68,

A bill for an act making an appropriation to continue the construction of the State canal No. 1 by convict labor, etc.,

Have had the same under consideration, and beg leave to recommend that the bill be placed upon the calendar for third reading and final passage, and do pass.

D. C. Webber,
Acting Chairman.

The report was adopted.

H. B. No. 68, by Mr. Slawson,

A bill for an act making an appropriation to continue the construction of the State canal No. 1 by convict labor, so far as authorized by law.

Was read a third time as amended by the Senate.

The question being, "Shall the bill pass as amended?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Balsinger, Barela, Boyd, Brown, Drake, Graham, Gunnell, Israel, Johnson, Leddy, Lockwood, McGovney, Mills, Smith (Costilla), Steck, Swink, Turner, Webber, Wheeler, White—22.

Nays—Senators Felker, Howes, Merritt, Painter—4.

Absent, excused and not voting—Senators Hartzell, King, McKinley, Newman, Pease, Pryor, Smith (Mesa), Timmons, Walters—9.

A constitutional majority of all Senators elected having voted in the affirmative, the bill was passed.

The roll call on the emergency clause was suspended temporarily.

Senator Felker called up for consideration the adoption of the committee report on H. B. No. 56, and moved to proceed with the same.

Senator Balsinger moved a recess until 2 o'clock p. m.

And the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Balsinger, Drake, Graham, Johnson, Mills, Smith (Costilla), Steck, Webber, Wheeler, White—12.

Nays—Senators Barela, Boyd, Brown, Felker, Gunnell, Howes, Israel, Leddy, Lockwood, McGovney, Merritt, Painter, Swink, Turner—14.

Absent, excused and not voting—Senators Hartzell, King, McKinley, Newman, Pease, Pryor, Smith (Mesa), Timmons, Walters—9.

A majority not having voted in the affirmative, the motion did not prevail.

On motion of Senator Balsinger a call of the Senate was ordered, but, on motion of Senator McGovney, the proceeding was suspended.

Senator Webber moved a recess until 2 o'clock p. m.

The vote being a tie, the President pro tem., Senator Barela, declared the vote lost.

On motion of Senator Webber a call of the Senate received the requisite number of seconds, but, on motion of Senator Turner, the proceedings under the call were suspended.

A motion by Senator Balsinger to take a recess until 2 p. m. was met with a tie vote and the president pro tem. declared the motion lost.

Again a call of the Senate was ordered, on motion of Senator Balsinger.

And proceedings were dispensed with on motion of Senator Merritt.

Senator Balsinger moved a recess until 2 o'clock p. m.

And the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Balsinger, Barela, Drake, Graham, Johnson, Mills, Smith (Costilla), Steck, Webber, Wheeler, White—13.

Nays—Senators Boyd, Brown, Felker, Gunnell, Howes, Israel, Leddy, Lockwood, McGovney, Merritt, Tilla, Steck, Webber, Wheeler, White—13.

Absent, excused and not voting—Senators Hartzell, King, McKinley, Newman, Pease, Pryor, Smith (Mesa), Timmons, Walters—9.

The vote being a tie, the President of the Senate declared a recess until 2 o'clock p. m.

AFTERNOON SESSION.

The Senate resumed its sittings at 2 o'clock p. m.

On motion of Senator Webber a call of the Senate was made.

Absent were Senators Hartzell, Lockwood, McGovney, Mills, Pease, Pryor.

The sergeant-at-arms was instructed to bring in the absent members.

Senator Drake was reported present.

And, on motion of Senator Felker, further proceedings under the call were suspended.

Senator Felker called for a roll call on the motion before the Senate, the consideration of the committee report on H. B. No. 56.

Senator Balsinger moved a recess of fifteen minutes as an amendment.

And the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Balsinger, Drake, Graham, Johnson, Mills, Smith (Costilla), Webber, White—10.

Nays—Senators Boyd, Brown, Felker, Gunnell, Howes, Israel, King, Leddy, Lockwood, McGovney, Merritt, Painter, Steck, Swink, Turner, Wheeler—16.

Absent, excused and not voting—Senators Barera, Hartzell, McKinley, Newman, Pease, Pryor, Smith (Mesa), Timmons, Walters—9.

A majority not having voted in the affirmative the motion did not prevail.

Senator Felker renewed his motion.

Senator Adams raised a point of order that the question before the Senate was the consideration of the conference report on H. B. No. 34, having been made a special order at 2 o'clock p. m.

The President decided the point of order well taken.

Senator Felker moved that the further consideration of the conference report on H. B. No. 34 be made a special order at 2 o'clock p. m. Monday next.

And the yeas and nays were had with the following result:

Yeas—Senators Boyd, Brown, Felker, Gunnell, Howes, Israel, Leddy, Lockwood, McGovney, Merritt, Painter, Steck, Swink, Turner—14.

Nays—Senators Adams, Armstrong, Balsinger, Drake, Graham, Johnson, King, Mills, Smith (Costilla), Webber, Wheeler, White—12.

Absent, excused and not voting—Senators Barera, Hartzell, McKinley, Newman, Pease, Pryor, Smith (Mesa), Timmons, Walters—9.

A majority having voted in the affirmative, the motion prevailed and it was so ordered.

A motion by Senator Adams to go into committee of the whole was not agreed to.

Senator Felker moved a roll call on the question pending before the Senate.

Senator Balsinger moved a recess for fifteen minutes.

Senator Merritt raised a point of order that no motion could be entertained at the time, as there was nothing in order but a roll call upon the main question.

The President declared the point not well taken. Senator Merritt appealed from the decision of the chair.

The question before the Senate being, "Shall the decision of the chair be sustained?" the roll call was commenced.

When the name of Senator Barela was reached, Senator Barela moved that the roll call be suspended for the purpose of debating the question.

The motion did not prevail.

A motion by Senator Webber to take a recess did not prevail.

The question being, "Shall the decision of the chair be sustained?" the call of the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Balsinger, Drake, Graham, Johnson, Mills, Smith (Costilla), Steck, Webber, Wheeler—11.

Nays—Senators Boyd, Brown, Felker, Gunnell, Howes, Israel, King, Leddy, Lockwood, McGovney, Merritt, Painter, Swink, Turner, White—15.

Absent, excused and not voting—Senators Barela, Hartzell, McKinley, Newman, Pease, Pryor, Smith (Mesa), Timmons, Walters—9.

A majority having voted in the affirmative the appeal was sustained.

The following communication was received from the governor, as read by messenger from the executive office:

State of Colorado,
Executive Office,
Denver, Colo., February 24, 1894.

Hon. D. H. Nichols, President of the Senate:

Sir—I have the honor to transmit herewith a communication for the consideration of the Senate in executive session.

Very respectfully,

Davis H. Waite,
Governor of Colorado.

Senator McGovney and Senator Leddy asked unanimous consent to be excused until Monday.

There being objection the Senators were not excused.

The President pro tem. was called to the chair.

A motion by Senator Drake to adjourn was not agreed to,

And Senator Merritt raised a point of order that the question before the Senate was a roll call upon the disposition of the report of the committee on H. B. No. 56, and called for a reading of the minutes.

To which Senator Adams objected, claiming the same were no part of the record until brought up for adoption on the following day.

The minutes were read.

The President pro tem. had a number of rules read and declared that they would be enforced and ordered the reading of the report of the committee on the bill, which was done.

Senator Felker moved that the debate be closed in an hour on the adoption of the report.

Senator Webber moved as an amendment that H. B. No. 56 be referred to the committee of the whole and be made a special order for 2 p. m. Monday, February 26.

The chair ruled that the amendment was in order and the question before the Senate was to refer the bill to the committee of the whole.

Senator Merritt moved as a substitute that the roll be called immediately upon the adoption or rejection of the substitute.

Senator Webber raised a point of order that the motion covered the same ground as the main question and took the floor to make remarks, sending a printed copy of H. B. No. 56 to the secretary's desk to be read, being incorporated as a portion of his remarks to the motion.

Senator Merritt withdrew his substitute.

The President declared the motion before the Senate to refer H. B. No. 56 and that it be made a special order.

Senator Webber continued his remarks in support of his motion and the reading of the printed bill was continued.

Senator Gunnell sent up the following point of order, which was read:

Point of order made by Senator Gunnell that the amendment of the Senator from the first (Webber) is not germane to the motion of the Senator from the first (Senator Felker.)

The President ruled the point not well taken.

Senator Felker appealed from the decision of the chair.

The question being, "Shall the decision of the chair be sustained?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Balsinger, Drake, Graham, Mills, Smith (Costilla), Steck, Webber, Wheeler—10.

Nays—Senators Barela, Boyd, Brown, Felker, Gunnell, Howes, Israel, Johnson, King, Leddy, Lockwood, McGovney, Merritt, Painter, Swink, Turner—16.

Absent, excused and not voting—Senators Hartzell, McKinley, Newman, Pease, Pryor, Smith (Mesa), Timmons, Walters, White—9.

A majority not having voted in the affirmative the ruling of the chair was not sustained.

Senator Israel asked unanimous consent to be excused from 6:30 p. m. until Tuesday morning next.

Consent was given.

Senator Adams inquired for the question before the Senate and the President announced the question to be to close the debate in one hour.

Senator Adams moved as an amendment that the debate be closed in two hours.

Senator Balsinger moved as an amendment to the amendment that the debate close in four hours.

A motion by Senator Drake to adjourn until Monday next at 10 o'clock a. m. was not agreed to.

The question recurring upon the amendment to close the debate in four hours.

Senator Israel moved that the motion be laid upon the table.

A motion by Senator Drake to adjourn until 2 o'clock p. m. Monday did not prevail, the vote being 13 yeas and 13 nays, the President pro tem. voting also and declaring the motion lost.

Senator Israel called for a vote upon his motion to table.

On motion of Senator Webber a roll call of the Senate was made and the absentees noted.

On motion of Senator Felker the proceedings were suspended.

A motion by Senator Balsinger to go into executive session did not prevail.

Senator Leddy was called to the chair.

Senator Webber moved a recess, but Senator Felker raised a point of order that the motion was out of order.

The acting President pro tem. sustained the point of order.

Senator Adams appealed from the decision of the chair.

The question being, "Shall the decision of the chair be sustained?" the yeas and nays were had with the following result:

Yeas—Senators Barela, Boyd, Brown, Felker, Gunnell, Howes, Israel, King, Leddy, Lockwood, McGovney, Merritt, Painter, Turner—14.

Nays—Senators Adams, Armstrong, Balsinger, Drake, Graham, Johnson, Mills, Smith (Costilla), Steck, Webber, Wheeler—11.

Absent, excused and not voting—Senators Hartzell, McKinley, Newman, Pease, Pryor, Smith (Mesa), Swink, Timmons, Walters, White—10.

A majority having voted in the affirmative the ruling of the chair was sustained.

Senator Webber moved that the President pro tem., Senator Barela, be requested to resume the chair, and Senator Leddy yielded to the request by vacating the chair.

A motion of Senator Wheeler to go into executive session did not prevail.

Senator Webber moved that the Senate adjourn until 10 a. m. Monday, February 26, and the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Balsinger, Drake, Graham, Israel, Johnson, Lockwood, McGovney, Mills, Smith (Costilla), Steck, Webber, Wheeler—14.

Nays—Senators Barela, Boyd, Brown, Felker, Gunnell, Howes, King, Leddy, Merritt, Painter, Turner—11.

Absent, excused and not voting—Senators Hartzell, McKinley, Newman, Pease, Pryor, Smith (Mesa), Swink, Timmons, Walters, White—10.

A majority having voted in the affirmative the motion prevailed and excusing Senator McGovney until 2 o'clock p. m. Monday, the Senate adjourned in accordance with the motion of Senator Webber.

FORTY-EIGHTH DAY.

MONDAY, FEBRUARY 26, 1894.

The Senate was called to order at 10 o'clock a. m.
Lieutenant-Governor Nichols presiding.

Quorum present.

Prayer by the chaplain.

The journal of the previous day was read and approved.

Senator Mills presented a communication from the citizens of Fruita regarding disappointment in legislative matters, which was read.

Senator Mills moved that the communication be placed on file.

And the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Barela, Graham, Mills, Smith (Costilla), Turner, Webber, Wheeler—9.

Nays—Senators Boyd, Brown, Felker, Gunnell, Howes, Lockwood, Merritt, Painter, Steck, Swink, White—11.

Absent, excused and not voting—Senators Balsinger, Drake, Hartzell, Israel, Johnson, King, Leddy, McGovney, McKinley, Newman, Pease, Pryor, Smith (Mesa), Timmons, Walters—15.

A majority not having voted in the affirmative, the motion did not prevail.

Senator Felker moved that the communication be referred to the "minority" of the Senate.

Senator Mills moved as an amendment that the communication be referred to the "majority" of the Senate.

On motion of Senator Barela the motion was laid on the table.

Senator Felker moved that the Senate go into executive session for the purpose of considering a communication from the Governor.

The vote stood 10 ayes and 10 nays.

The President of the Senate voted aye, and the Senate went into executive session.

When the doors were thrown open Senator Lockwood moved that the Senate go into committee of the whole for the consideration of H. B. No. 48.

The question being upon the motion of Senator Lockwood, the yeas and nays were had with the following result:

Yeas—Senators Boyd, Brown, Felker, Gunnell, Howes, Lockwood, Merritt, Painter—8.

Nays—Senators Adams, Armstrong, Barela, Graham, Mills, Pryor, Smith (Costilla), Steck, Turner, Webber, Wheeler, White—12.

Absent, excused and not voting—Senators Balsinger, Drake, Hartzell, Israel, Johnson, King, Leddy, McGovney, McKinley, Newman, Pease, Smith (Mesa), Swink, Timmons, Walters—15.

A majority not having voted in the affirmative, the motion did not prevail.

At the request of Senator Mills Senator Johnson was excused from attendance owing to illness in his family.

Senator Webber moved that H. B. No. 56 be referred to the committee of the whole and be considered as special order at 2 p. m. on Wednesday next.

Senator Barela moved as an amendment that the bill be made a special order at 2 o'clock p. m. to-day.

The amendment was accepted by Senator Webber.

On motion of Senator Felker a roll call of the Senate was made, and, on motion of Senator Adams, the proceedings under the call were suspended.

Senator Barela was called to the chair. The President announced the question before the Senate to be to make the consideration of H. B. No. 56 a special order at 2 p. m.

Senator Felker moved an amendment that the motion be laid on the table.

Senator Adams moved a call of the Senate.

The roll was called and the absentees noted and ordered brought before the bar of the Senate.

On motion of Senator Felker that the proceedings under the call be ordered suspended, the roll was called, resulting in a tie vote, and the President voted nay.

The motion did not prevail.

The sergeant-at-arms reported Senator Drake present, also Senator King and Senator Howes.

The Senators were brought before the bar of the Senate, excuses accepted and were discharged from the custody of the sergeant-at-arms.

The proceedings under the call were suspended.

Senator Wheeler arose to a question of personal privilege, and sent to the desk to have read a quotation from Boulder Camera, regarding a criticism of himself while the Senate was in committee of the whole on a previous day.

Senator Wheeler declared the article a fabrication.

Senator Hartzell of the special committee appointed to present arguments to the Supreme Court in H. B. No. 26, reported that the duty of the committee had been performed, and the committee was discharged.

On motion of Senator Webber a recess was taken until 2 o'clock p. m.

AFTERNOON SESSION.

The Senate resumed its sitting at 2 o'clock p. m.

Senator Adams moved to take up the special order for the hour, being the adoption of the conference report on H. B. No. 34.

The motion prevailed.

Senator Adams moved the adoption of the report.

Senator Hartzell moved as an amendment that the report of the committee be not adopted.

And the yeas and nays were had with the following result:

Yeas—Senators Boyd, Brown, Felker, Hartzell, Howes, Leddy, Lockwood, McGovney, Merritt, Painter, Pryor, Swink, Turner, White—14.

Nays—Senators Adams, Armstrong, Barela, Drake, Graham, Gunnell, Mills, Smith (Costilla), Steck, Webber, Wheeler—11.

Absent, excused and not voting—Senators Balsinger, Israel, Johnson, King, McKinley, Newman, Pease, Timmons, Walters, Smith (Mesa)—10.

A majority having voted in the affirmative, the motion prevailed and the report was not concurred in.

The following message was received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., February 26, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives asks for the appointment of a second conference committee on H. B. No. 34, and names Messrs. Anderson, Slawson and Lynch on the part of the House as members of such committee.

Respectfully,

Jno. R. Wallingford,
Chief Clerk.

Senator Felker called for a roll call upon the motion to lay on the table the motion to refer H. B. No. 56 to the committee of the whole as a special order at 2 o'clock.

On motion of Senator Webber a call of the Senate was ordered, and proceedings were suspended on motion of Senator Felker.

Senator White moved a recess until 2 o'clock p. m., and the roll was called.

The motion did not prevail.

Senator Felker demanded a roll call upon the motion pending before the Senate.

Senator Webber moved the Senate adjourn until 10 o'clock a. m. to-morrow.

Senator Felker raised a point of order that the motion was out of order, for no legislative business had transpired or intervened since the roll was called on a recess, which he considered a paramount motion and called for a ruling.

The chair ruled that a motion to adjourn was in order.

Senator Felker appealed from the decision of the chair.

The question being, "Shall the decision of the chair be sustained?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Barela, Drake, Graham, Mills, Smith (Costilla), Steck, Webber, Wheeler, White—11.

Nays—Senators Boyd, Brown, Felker, Gunnell, Howes, Leddy, Lockwood, McGovney, Merritt, Painter, Pryor, Turner—12.

Absent, excused and not voting—Senators Balsinger, Hartzell, Israel, Johnson, King, McKinley, Newman, Pease, Smith (Mesa), Swink, Timmons, Walters—12.

A majority not having voted in the affirmative, the decision of the chair was not sustained.

The President announced that he was about to sign, and in the presence of the Senate did sign,

H. B. No. 18.

Senator Barela was called to the chair.

Senator Webber moved a call of the Senate, which was properly seconded, and the roll was called.

On motion of Senator Felker the roll was called upon a suspension of the proceedings under the call, which prevailed.

Senator Armstrong moved the Senate adjourn.

Senator Felker sent up the following point of order:

Point of order: That a call of the House is not legislative business, and that a motion to adjourn having been negatived is not again in order to be moved until legislative business has intervened.

President pro tem. decided the point not well taken.

Senator Felker appealed from the decision of the chair.

The question being, "Shall the decision of the chair be sustained?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Drake, Graham, Mills, Smith (Costilla), Steck, Webber, Wheeler, White—10.

Nays—Senators Barela, Boyd, Brown, Felker, Gunnell, Howes, Leddy, Lockwood, McGovney, Merritt, Painter, Pryor, Turner—13.

Absent, excused and not voting—Senators Balsinger, Hartzell, Israel, Johnson, King, McKinley, Newman, Pease, Smith (Mesa), Swink, Timmons, Walters—12.

A majority not having voted in the affirmative, the decision of the chair was not sustained.

Senator White moved as a substitute for all motions that the bill, H. B. No. 56, be recommitted to the special committee.

Senator Felker raised a point of order that the motion before the Senate did not allow of such a motion.

The President so decided.

Senator White moved a recess until 5 o'clock.

Senator Felker raised a point of order as follows:

Point of order: That a call of the Senate is not legislative business, and that nothing is in order upon the pending question after the motion to adjourn has been negatived, but a roll call upon the pending question to lie on the table.

The President ruled the point of order not well taken.

Senator Felker appealed from the decision of the President:

The question being, "Shall the decision of the chair be sustained?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Drake, Graham, Mills, Smith (Costilla), Steck, Webber, Wheeler, White—10.

Nays—Senators Boyd, Brown, Felker, Gunnell, Howes, Leddy, Lockwood, McGovney, Merritt, Painter, Pryor, Turner—12.

Absent, excused and not voting—Senators Basinger, Hartzell, Israel, Johnson, King, McKinley, Newman, Pease, Smith (Mesa), Swink, Timmons, Walters—13.

A majority not having voted in the affirmative, the decision of the chair was not sustained.

Senator White moved a call of the Senate.

Senator Felker raised a point of order that the Senate had overruled the President on entertaining any motion but to table the motion to consider H. B. No. 56.

The President decided the point not well taken.

On motion of Senator White a roll call of the Senate was made.

And on motion of Senator Felker proceedings under the call were suspended.

Senator Webber moved a reconsideration of the vote whereby the proceedings under the call be reconsidered.

Senator Gunnell raised a point of order not a privileged question and could not be put.

The President sustained the point.

Senator White moved the Senate adjourn, and the roll was called with the following result:

Yeas—8.

Nays—12.

And was declared lost.

Senator Armstrong moved a call of the Senate.

The roll was called and the sergeant-at-arms was instructed to bring in the absentees.

Senator Felker moved that proceedings under the call be suspended.

And the roll was called with the following result:

Yeas—13.

Nays—8.

And the motion prevailed.

Senator White moved that the Senate take a recess until 8 o'clock.

And the roll was called with the following result:

Yeas—13.

Nays—8.

The motion was declared lost.

Senator Boyd asked leave to file an amendment to Senate rule 8, and gave notice of such amendment.

The President decided the filing out of order, but that a notice was in order.

Senator White moved the Senate adjourn.

Senator Felker moved as an amendment that the Senate adjourn until Thursday.

Senator Boyd moved as an amendment to the amendment that the Senate take a recess of 15 minutes.

The amendment prevailed and the Senate took a recess at 5:20.

When the Senate resumed its sittings Senator White moved the Senate adjourn.

The roll was called with the following result:

Yeas—10.

Nays—13.

And the motion did not prevail.

Senator Webber moved a call of the Senate and the roll was called.

The sergeant-at-arms was instructed to bring in the absentees.

The proceedings under the call were suspended.

The roll call was ordered upon the main question, and the clerk proceeded with the roll call, calling Senator Adams' name, who did not respond.

Senator White raised a point of order that the question before the Senate was to adjourn until Thursday next.

The President overruled the point of order.

Senator Adams raised a point of order that he had not answered to his name, and that further proceedings under the roll call were not in order.

The President ruled the point not well taken, and the roll call was proceeded with, with the following result:

Yeas—Senators Boyd, Brown, Felker, Gunnell, Howes, Leddy, Lockwood, McGovney, Merritt, Painter, Pryor, Turner—12.

Nays—Senators Adams, Barela—2.

Absent, excused and not voting—Senators Armstrong, Balsinger, Drake, Graham, Hartzell, Israel, Johnson, King, McKinley, Mills, Newman, Pease, Smith (Mesa), Swink, Smith (Costilla), Steck, Timmons, Walters, Webber, White—21.

The President declared that no quorum had voted.

Senator McGovney moved a call of the Senate and the motion prevailed.

The roll was called and the absentees were Senators Armstrong, Balsinger, Graham, Hartzell, Israel, Johnson, King, McKinley, Pease, Swink, Walters, Webber, Wheeler, White, Smith (Mesa), Timmons, Newman.

The sergeant-at-arms was instructed to bring in the absentees who had not been excused.

Senator Adams moved that the call be suspended, and the roll was called, but no quorum responded to the roll call.

Senator Felker gave notice that he would insist to-morrow that the absent Senators should be fined for contempt of the Senate.

Under the constitutional provision, when no quorum is present the Senate adjourned until to-morrow morning at 10 o'clock.

FORTY-NINTH DAY.

TUESDAY, FEBRUARY 27, 1894.

The Senate was called to order at 10 o'clock.

Lieutenant-Governor Nichols presiding.

Quorum present.

Prayer by the chaplain.

The journal of the previous day was read and approved.

On motion of Senator Walters a new conference committee on H. B. No. 34 was appointed, consisting of Senators Walters and Mills.

Senator Boyd, in accordance with a notice of the previous day, introduced a resolution amending Senate rule No. 8, which was read and laid over under the rules.

Senator Felker introduced a resolution regarding action of several Senators in leaving the Senate chamber without leave of absence on the previous day.

Senator Adams gave notice that he desired to debate the resolution and it was laid over.

Senator Hartzell introduced S. C. R. No. 10, to adjourn sine die at 6 p. m. Wednesday, February 28, and moved that the rules be suspended for the consideration of the resolution.

The question being, "Shall the rules be suspended?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Barela, Boyd, Brown, Drake, Felker, Hartzell, Howes, Lockwood, McGovney, Painter, Pryor, Smith (Costilla), Steck, Swink, Turner, Walters, Wheeler, White—20.

Nays—Senators Mills, Pease—2.

Absent, excused and not voting—Senators Balsinger, Graham, Gunnell, Israel, Johnson, King, Leddy, McKinley, Merritt, Newman, Smith (Mesa), Timmons and Webber—13.

A constitutional majority, being two-thirds of all the Senators voting, having voted in the affirmative, the motion prevailed, and it was agreed to suspend the rules.

Senator Barela moved an amendment that the Senate ask a conference committee consisting of five from the House and three from the Senate on adjournment.

Senator Hartzell raised a point of order that the amendment was not germane to the resolution.

The President decided the point not well taken.

The question being upon the adoption of the amendment, the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Barela, Drake, Graham, Mills, Pease, Smith (Costilla), Steck, Webber, Wheeler—11.

Nays—Senators Boyd, Brown, Felker, Hartzell, Howes, Lockwood, McGovney, Merritt, Painter, Pryor, Swink, Turner, Walters, White—14.

Absent, excused and not voting—Senators Balsinger, Gunnell, Israel, Johnson, King, Leddy, McKinley, Newman, Smith (Mesa) and Timmons—10.

A majority not having voted in the affirmative, the amendment was not agreed to.

The question being upon the adoption of the concurrent resolution No. 10, the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Boyd, Brown, Drake, Felker, Hartzell, Howes, Lockwood, McGovney, Merritt, Painter, Pryor, Smith (Costilla), Steck, Swink, Turner, Walters, Webber, White—20.

Nays—Senators Barela, Graham, Mills, Pease, Wheeler—5.

Absent, excused and not voting—Senators Balsinger, Gunnell, Israel, Johnson, King, Leddy, McKinley, Newman, Smith (Mesa) and Timmons—10.

A majority having voted in the affirmative, S. C. R. No. 10, fixing a time to adjourn sine die, was adopted.

Senator Felker arose to a question of personal privilege, and sent to the secretary's desk a paper from which a quotation was read, regarding a message received from the Governor and considered in executive session.

Senator Graham was excused from attendance for the remainder of the forenoon.

Senator Felker moved the Senate go into committee of the whole.

The motion prevailed, and the Senate resolved into committee of the whole on general orders.

Senator Hartzell was called to the chair.

When the committee arose the chairman made the following report:

Report of committee of the whole:

Mr. President:

The committee of the whole Senate has had under consideration the following bills, the same having been read at length the second time, did beg leave to recommend as follows:

Substitute for H. B. No. 48:

The committee recommend that the bill be amended by striking out the first section of the substitute and insert the following:

Section 1. There is hereby created the office of public trustee in each and every county of this State, whose duties shall be as prescribed in this act. That in all counties of the first and second classes such public trustee shall be appointed as hereinafter provided, and in counties of all other classes the county treasurer of the county shall, and is hereby directed to be such public trustee.

That from and after the passage of this act all deeds of trust given to secure indebtedness of any kind shall name as trustee such public trustee.

Any deed of trust that shall name any other person as trustee therein shall be deemed and taken to be a mortgage, and foreclosed only as mortgages are now foreclosed in and through the courts.

Strike out the word "all" in line 3, sec. 2, of printed substitute, and insert the words "each of the."

Strike out in sec. 3, line 1, "and county treasurers." Insert in line 8, sec. 3, after the word trust, "to issue certificates of sale, certificates of redemption or trustee deeds therefor as the case may be."

Strike out in lines 14 and 15, section 3, "one-half of one per cent., but in no case to be less than," and

insert "the sum of," and make the same changes in lines 16 and 17, same section.

Sec. 4. Strike out in section 4 the words "furnish the," at the end of line 4, and all of lines 5, 6 and 7 up to and including the word "same," in line 7, and insert "file such election and demand for sale in writing with such trustee, and the trustee shall thereupon advertise the premises named in such deed for sale, in accordance with the terms of sale specified in such deed, and thereupon the trustee shall securely paste such notice of election and also a printed copy of the notice of sale."

Strike out in sec. 4, in lines 10 and 18, the words "or county treasurer," and insert in line 15, after the word "name," at end of line, the words "at last post-office address."

Insert at end of line 9 "The trustee shall mail a copy of the printed notices of sale so soon as the same shall be printed to the grantor, and all subsequent incumbrances at the address given in the trust deed without extra charge.

Sec. 5. In line 4, section 5, strike out "35" and insert "fifty."

In line 5, section 5, strike out "20" and insert "thirty."

In line 6, section 5, strike out "or county treasurer."

Strike out in line 7 all after the word "sale" and all of line 8.

Sec. 6. In line 2, section 6, strike out "or power of sale given in any mortgage."

Insert in line 9 the letter "s" after "section," and the words "and eight" after the word "seven."

Also insert in line 10, after the word "file," the words "for record."

Sec. 7. Strike out the word "or" in line 2, section 7, and insert after the word "assigns" the words "or subsequent incumbrances."

Insert in line 8, section 7, after the word "afore-said," the words "the said trustee shall issue a certificate of redemption to the party so redeeming the same and."

Sec. 11. Strike out in line 6 after "assignment" the words "and he" and insert "who."

Strike out "he" in line 7 and insert "thereupon the assignee."

Sec. 12. Strike out in line 4, section 12, the words "by him."

Strike out in line 5, section 12, the words "or mortgage."

Sec. 13. Strike out section 13 entire and insert "each and every public trustee shall appoint a deputy, who shall have the same power and authority and shall perform the duties of said office during the absence or disqualification through any cause of his principal."

"If any trustee shall die, resign or be removed from office, or his term of office expire after selling any real estate under the terms of any deed of trust and before executing a certificate of redemption or deed for the same, his successor being in office shall execute such certificate or deed in the same manner that the trustee making such sale might have done."

Sec. 14. Insert the following as section 14: "All fees, charges and costs of every kind and nature incurred under the provisions of this act shall be a charge against the grantor or those holding under him, and shall be deducted from the proceeds of any sale of foreclosure made in pursuance of this act."

Sec. 15. Change number of section 14 as printed to section 15, and strike out the words "or mortgage" in line 2.

Sec. 16. Change the numbers of sections 15, 16, 17 and 18 to sections 16, 17, 18 and 19.

Strike out the word "my" in section 15, line 8, and insert the word "said."

That the following be inserted after section 7 and be numbered section 8:

"The holder of any subsequent incumbrance desiring to redeem any land and tenements sold under the provisions of this act may pay to the trustee selling the same the amount necessary to so redeem and the said trustee shall issue his certificate of redemption therefor. The sum so paid shall be added to the sum represented in the subsequent incumbrance held by the person so redeeming, and shall be deemed to be secured thereby, and shall bear interest at the rate of eight per cent. per annum. Nothing in this section shall prevent the grantor, his heirs, executors, administrators or assigns, whose lands and tenements shall be sold, from redeeming the same within six months from the date of sale, and he may pay the trustee in the same manner as though the subsequent incumbrance had made no redemption thereof. The redemption moneys to be paid to the person formerly redeeming the same with the accrued interest thereon. If the said grantor, his heirs, executors, administrators or assigns, or any judgment creditor, fails to redeem the same as provided in this act, the said holder of such subsequent incumbrance shall be entitled to a deed to said premises sold, the same as if he had been the original purchaser thereof. Should any judgment creditor redeem the lands and tenements so sold from such sale as provided in section 9 of this act, then such judgment creditor shall be required to pay in redeeming the same the sum for which said premises were sold, together with the amount of such subsequent incumbrance, which aggregate may be paid to the trustee selling the same, and his release shall operate as a cancellation of such subsequent incumbrance."

That the numbers of all following sections be renumbered to correspond.

That the bill as amended be printed and returned to committee of the whole.

February 27. Bill returned printed as amended, and further amended as follows:

In line 16, page 3, of the newly printed bill, insert after the words "ten thousand dollars" the words "1-4 of 1 per cent., but in no case less than," and strike out the words "the sum of."

That the word "and" be substituted for the word "at" in line 1, page 4.

That in line 12, page 5, section 7, before the word "subsequent," the words "holder of the" be inserted.

That in section 13, page 8, the first ten words be stricken out in line 1.

In line 2 the words "of any lands and tenements he" be stricken out, and that after the word "purchase" in line 3 be inserted "when said demand is made and time for redemption has expired."

That said bill be referred to Revision Committee.

And that said bill as amended be referred to the committee heretofore appointed to ask the opinion of the Supreme Court on H. B. No. 26 to the constitutionalities of said bill as amended.

That H. B. No. 64 be amended in title so as to insert after figures "1892" the words "and all sums that may hereafter accrue thereto."

Also insert same words after 1892 in line 20, engrossed bill.

And that said bill be referred to Revision Committee.

Charles Hartzell,
Chairman.

The report was adopted.

On motion of Senator Webber a recess was taken until 3 o'clock p. m.

AFTERNOON SESSION.

The Senate resumed its sittings at 3 o'clock p. m.

Senator Hartzell presented a communication from the Supreme court relating to the constitutionality of H. B. No. 26, as amended by the Senate, which was read, and Senator Hartzell moved that the action of the Senate in adopting the recommendation of the committee of the whole to refer H. B. No. 48 as amended by the Senate to a special committee, consisting of Senators Hartzell and Pease, for presentation to the Supreme Court, to ascertain its constitutional standing, be reconsidered.

The motion prevailed and that part of the report was disagreed to.

Senator Lockwood moved that the report of the special committee on H. B. No. 56, to indefinitely postpone the bill, be adopted.

Senator Adams moved as an amendment that the report be not adopted, and that the bill be referred to the committee of the whole.

And the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Barela, Drake, Mills, Pease, Smith (Costilla), Walters, Weber, Wheeler, White—11.

Nays—Senators Boyd, Brown, Felker, Hartzell, Howes, Johnson, King, Lockwood, McGovney, Merritt, Painter, Pryor, Swink, Turner—14.

Absent, excused and not voting—Senators Balsinger, Graham, Gunnell, Israel, Leddy, McKinley, Newman, Smith (Mesa), Steck, Timmons—10.

A majority not having voted in the affirmative, the motion did not prevail.

The question recurring upon the motion by Senator Lockwood, the yeas and nays were had with the following result:

Yeas—Senators Boyd, Brown, Felker, Hartzell, Howes, Johnson, King, Lockwood, McGovney, Merritt, Painter, Pryor, Swink, Turner—14.

Nays—Senators Adams, Armstrong, Barela, Drake, Mills, Pease, Smith (Costilla), Walters, Webber, Wheeler, White—11.

Absent, excused and not voting—Senators Balsinger, Graham, Gunnell, Israel, Leddy, McKinley, Newman, Smith (Mesa), Steck and Timmons—10.

A majority having voted in the affirmative, the report was adopted and H. B. No. 56 was indefinitely postponed.

The following message was received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., February 27, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives has laid S. C. R. No. 10 on the table.

Respectfully,

Jno. R. Wallingford,
Chief Clerk.

Senator Felker called up H. B. No. 68 for a vote on the emergency clause.

The question being upon the adoption of the emergency clause the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Barela, Boyd, Brown, Drake, Felker, Graham, Hartzell, Howes, Johnson, King, Lockwood, McGovney, Mills, Painter, Pease, Pryor, Smith (Costilla), Steck, Swink, Turner, Walters, Webber, Wheeler, White—26.

Nays—Senator Merritt—1.

Absent, excused and not voting—Senators Balsinger, Gunnell, Israel, Leddy, McKinley, Newman, Smith (Mesa) and Timmons—8.

A constitutional majority, being two-thirds of all the Senators elected, having voted in the affirmative, the emergency clause was agreed to.

The title was read and agreed to.

On motion of Senator Hartzell, the Senate went into executive session.

When the doors were thrown open Senator Johnson moved that the nomination of Mrs. Emma Ghent Curtis to be a member of the Board of Control of the State Industrial School be confirmed.

And the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Barela, Boyd, Brown, Drake, Graham, Hartzell, Johnson, King, Lockwood, McGovney, Merritt, Painter, Pease, Pryor, Smith (Costilla), Swink, Turner, Webber, Wheeler, White—22.

Nays—None.

Absent, excused and not voting—Senators Balsinger, Felker, Gunnell, Howes, Israel, Leddy, Mills, Newman, Smith (Mesa), Steck, Timmons and Walters—13.

A constitutional majority having voted in the affirmative, the nomination of Mrs. Emma Ghent Curtis was confirmed.

Senator McGovney moved that the nomination of Ella L. C. Dwinell to be trustee of the Mute and Blind Institute be confirmed.

And the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Barela, Boyd, Brown, Drake, Graham, Hartzell, Johnson, King, Lockwood, McGovney, Merritt, Painter, Pease,

Pryor, Smith (Costilla), Swink, Turner, Webber, Wheeler, White—22.

Nays—None.

Absent, excused and not voting—Senators Bal-singer, Felker, Gunnell, Howes, Israel, Leddy, McKinley, Mills, Newman, Smith (Mesa), Steck, Timmons, Walters—13.

A constitutional majority having voted in the affirmative, the nomination of Ella L. C. Dwinell was confirmed.

Senator Drake presented a resolution in relation to an investigation of State institutions by a special committee of hold-over Senators, which was laid over for a day.

The following report was received:

Report of Committee on Revision:

State of Colorado,
Senate Chamber,
Denver, Colo., February 27, 1894.

Mr. President:

Your committee to which was referred H. B. No. 48,

A bill for an act concerning deeds of trust and other instruments of like purport, and repealing all acts and parts of acts in conflict therewith,

Have had the same under consideration and beg leave to recommend that on page 3 of printed substitute bill Senate committee, and as amended by committee of the whole Senate, in section 4, in line 4, between the words "such" and "election" the words "notice of" be inserted, and on page 5 of said bill, in section 8, in line 2, the word "encumbrancers" be substituted for the word "encumbrances."

That the title of said bill be amended by striking out the words "and public trustee act," occurring in the title, and in the body of the bill in section 19

thereof, in line 1, by striking out the words "and the public trustee act,"

And that the bill as so amended be placed on file for third reading.

Geo. E. Pease,
Chairman.

The report was adopted.

Substitute for H. B. No. 48, as amended by the Senate, to wit:

A bill for an act concerning deeds of trust and other instruments of like purport, and repealing all acts and parts of acts in conflict therewith,

Was read a third time.

The question being, "Shall the bill pass as amended?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Barela, Boyd, Brown, Drake, Graham, Hartzell, Howes, Johnson, King, Lockwood, McGovney, Merritt, Mills, Painter, Pease, Pryor, Smith (Costilla), Steck, Swink, Turner, Walters, Wheeler—24.

Nays—None.

Absent, excused and not voting—Senators Balsinger, Felker, Gunnell, Israel, Leddy, McKinley, Newman, Smith (Mesa), Timmons, Webber, White—11.

A constitutional majority of all the Senators elected having voted in the affirmative, the bill was passed.

The question being upon the adoption of the emergency clause, the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Barela, Boyd, Brown, Drake, Graham, Hartzell, Howes, Johnson, King, Lockwood, McGovney, Merritt, Mills, Painter, Pease, Pryor, Smith (Costilla), Steck, Swink, Turner, Walters, Wheeler—24.

Nays—None.

Absent, excused and not voting—Senators Balingier, Felker, Gunnell, Israel, Leddy, McKinley, Newman, Smith (Mesa), Timmons, Webber, White—11.

A constitutional majority, being two-thirds of all the Senators elected, having voted in the affirmative, the emergency clause was adopted.

The title was read and agreed to.

Senator McGovney introduced the following resolution:

Whereas, Captain E. D. Pitkin served this Senate for the first 27 days of this extra session as reading clerk, and Willie Pique, Francis Rodriguez for the same number of days as pages, and John Richardson 22 days as janitor, for which no voucher has been issued; therefore,

Resolved, That the secretary of the Senate be instructed to issue to E. D. Pitkin, Willie Pique, Francis Rodriguez and John Richardson vouchers for the number of days' service as related, at the regular compensation.

On motion of Senator Wheeler the rules were suspended and the resolution was adopted.

Senator Hartzell moved that for the balance of the session the rule for the printing of conference reports, as applies to H. B.'s Nos. 15, 24, 34 and 26, be suspended.

The question being upon the suspension of the rule, the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Barela, Boyd, Brown, Drake, Graham, Hartzell, Howes, Johnson, King, Lockwood, McGovney, Merritt, Mills, Painter, Pease, Pryor, Smith (Costilla), Steck, Swink, Turner, Wheeler—23.

Nays—None.

Absent, excused and not voting—Senators Bal-singer, Felker, Gunnell, Israel, Leddy, McKinley, Newman, Smith (Mesa), Timmons, Walters, Webber, White—12.

A majority, being two-thirds of all the Senators voting, having voted in the affirmative, the rule was suspended in accordance with the motion by Senator Hartzell.

Senator Steck presented the following conference report:

Report of conference committee on H. B.'s Nos. 15 and 24:

State of Colorado,
Senate Chamber,
Denver, Colo., February 27, 1894.

Mr. President:

Your committee to which was referred H. B.'s Nos. 15 and 24,

Bills for acts to amend an act entitled, "An act for an act to provide a code of procedure in civil actions for courts of record in the State of Colorado, and to repeal all acts inconsistent therewith," approved April 7, 1887, and a bill for an act to amend the attachment laws in justice courts of the State, as prescribed by division 5 of the general statutes of the State of Colorado of 1883,

Have had the same under consideration and beg leave to recommend that in H. B. No. 24, as amended by the committee of the whole Senate, section 7 be amended by substituting for section 7 the following:

"Whereas, In the opinion of the General Assembly an emergency exists; therefore, this act shall be in force and take effect from and after its passage."

That H. B. No. 15, as amended by committee of the whole Senate, be amended as follows:

Section 7 of said bill be amended by substituting:

"Whereas, In the opinion of the General Assembly an emergency exists; therefore, this act shall be in force and take effect from and after its passage."

Your committee further states that the foregoing recommendations will leave the present attachment laws as they now stand, minus the thirteenth clause, with what is known as the pro rate provisions, and also the emergency clause added. That the above recommendations are made with the belief which the members of the committee entertain that no other law can at the present session pass both bodies, and that the same will meet with the approval of the majority of those desiring a change in the present laws.

Amos Steck,
On the part of the Senate.
J. S. Carnahan,
J. Gratz Brown,
W. F. Hynes,
On the part of the House.

Senator Steck moved the adoption of the report.

Senator Hartzell moved that the Senate do not concur in the report, as an amendment to the motion of Senator Steck.

And the yeas and nays were had with the following result:

Yeas—Senators Boyd, Brown, Graham, Hartzell, Howes, Johnson, King, Lockwood, McGovney, Merritt, Painter, Pease Pryor, Swink, Turner—15.

Nays—Senators Adams, Armstrong, Barela, Drake, Mills, Smith (Costilla), Steck, Wheeler—8.

Absent, excused and not voting—Senators Balsinger, Felker, Gunnell, Israel, Leddy, McKinley, Newman, Smith (Mesa), Timmons, Walters, Webber and White—12.

A majority having voted in the affirmative, the motion to non-concur was agreed to.

The Senate adjourned.

FIFTIETH DAY.

WEDNESDAY, FEBRUARY 28, 1894.

The Senate was called to order at 10 o'clock a. m.

Lieutenant-Governor Nichols presiding.

Quorum present.

Prayer by the chaplain.

The journal of the previous day was read and approved.

The following reports were received:

Report of Committee on Revision:

State of Colorado,
Senate Chamber,
Denver, Colo., February 27, 1894.

Mr. President:

Your committee, to whom was referred H. B. No. 64,

A bill for an act to transfer the unexpended balance of the general revenues of 1891 and 1892 to the legislative cash fund,

Have had the same under consideration, and beg leave to report as follows:

That said bill be placed on the calendar for third reading for final passage and do pass.

Geo. E. Pease,
Chairman.

Report adopted.

Report of Committee on Revision:

State of Colorado,
Senate Chamber,
Denver, Colo., February 27, 1894.

Mr. President:

Your committee, to whom was referred H. B. No. 73,

A bill for an act regulating the rate of interest on chattel mortgage loans, regulating the foreclosure of chattel mortgages and providing penalties for the violation thereof,

Have had the same under consideration, and beg leave to report as follows:

We recommend that the title be amended so as to read as follows:

"An act relating to chattel mortgages, and providing certain requirements in the foreclosure thereof, and that the bill as so amended be placed upon third reading for final passage and do pass.

D. C. Webber,
Acting Chairman.

Report adopted.

Also,

Report of Committee on Revision:

State of Colorado,
Senate Chamber,
Denver, Colo., February 27, 1894.

Mr. President:

Your committee to which was referred substitute for H. B.'s Nos. 59 and 60,

A bill for an act providing for establishing and maintaining, at public expense, permanent registration lists of all qualified electors in election precincts in all cities of greater population than fifteen thousand,

Have had the same under consideration and beg leave to report as follows:

That said bill be placed upon the calendar for third reading and do pass.

D. C. Webber,
Acting Chairman.

Report adopted.

The following communication was received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., February 27, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives has concurred in Senate amendments to H. B. No. 68.

Respectfully,

Jno. R. Wallingford,
Chief Clerk.

Senator Barela introduced the following resolution and moved its adoption:

Resolved, That the assistant secretary of the Senate is hereby authorized to act as secretary for the special committee of hold-over Senators in the collection of data and compilation of the same in the report to be made to the Tenth General Assembly, if it be found that clerical assistance is needed by the committee.

The resolution was adopted.

The resolution presented by Senator Boyd on the previous day in relation to amending Senate rule 8 was taken up for consideration.

And on motion of Senator Barela was laid on the table.

Senator Drake's resolution, presented on the previous day, was taken up and made a special order for 3 o'clock p. m.

The following messages were received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., February 28, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives asks for the appointment of another conference committee on H. B.'s Nos. 15 and 24, and names Messrs. Kilton, Wells and Sims on the part of the House as members of such committee.

Respectfully,

Jno. R. Wallingford,
Chief Clerk.

On motion of Senator Steck the President appointed a new conference committee, consisting of Senators Pease and Brown.

State of Colorado,
House of Representatives,
Denver, Colo., February 28, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives has non-concurred in Senate amendments to H. B. No. 48, and the bill is herewith respectfully retransmitted.

Respectfully,

Jno. R. Wallingford,
Chief Clerk.

On motion of Senator Hartzell the Senate decided to insist upon the amendments.

H. B. No. 73, by Mr. Bromley,

A bill for an act relating to chattel mortgage and providing certain requirements in the foreclosure thereof,

Was read a third time.

The question being, "Shall the bill pass as amended?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Barela, Boyd, Drake, Felker, Graham, Hartzell, Howes, Johnson, King, Merritt, Mills, Painter, Pryor, Smith (Costilla), Steck, Swink, Turner, Walters, Wheeler, White—22.

Senator White gave notice that he voted aye for the purpose of moving a reconsideration of the vote.

Nays—Senators Lockwood, Webber—2.

Absent, excused and not voting—Senators Balsinger, Brown, Gunnell, Israel, Leddy, McGovney, McKinley, Newman, Pease, Smith (Mesa), Timmons—11.

A constitutional majority of all the Senators elected having voted in the affirmative, the bill was passed.

H. B. No. 64,

A bill for an act to transfer the unexpended balance of the general revenues of 1891 and 1892 to the legislative cash fund,

Was read a third time.

The question being, "Shall the bill pass as amended?" the yeas and nays were had, but before the vote was announced Senator Howes moved a call of the Senate, and the sergeant-at-arms was ordered to bring in the absent Senators.

The proceedings under the call were suspended.

The yeas and nays were had with the following result upon the passage of the bill:

Yeas—Senators Adams, Armstrong, Barela, Boyd, Brown, Drake, Graham, Howes, Johnson, McGovney, Mills, Pease, Pryor, Smith (Costilla), Steck, Turner, Walters, Webber, Wheeler, White—20.

Nays—Senators Felker, Hartzell, Israel, King, Lockwood, Merritt, Painter, Swink—8.

Absent, excused and not voting—Senators Balsinger, Gunnell, Leddy, McKinley, Newman, Smith (Mesa) and Timmons—7.

A constitutional majority of all the Senators elected having voted in the affirmative, the bill was passed.

The question being upon the adoption of the emergency clause, the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Barela, Boyd, Brown, Drake, Felker, Graham, Hartzell, Howes, Johnson, King, Lockwood, McGovney, Mills, Painter, Pease, Pryor, Smith (Costilla), Steck, Swink, Turner, Walters, Webber, Wheeler, White—26.

Nays—Senators Israel, Merritt—2.

Absent, excused and not voting—Senators Balsinger, Gunnell, Leddy, McKinley, Newman, Smith (Mesa) and Timmons—7.

A constitutional majority, being two-thirds of all the Senators elected, having voted in the affirmative, the emergency clause was declared passed.

The title was agreed to.

Senator Walters presented the following conference report:

State of Colorado,
Senate Chamber,
Denver, Colo., February 28, 1894.

Mr. President:

Your committee on conference, to which was referred H. B. No. 34,

A bill for an act to amend an act entitled an act to exempt certain wages and earnings of debtors from levy and attachment for debt, and acts amendatory thereof, approved March 15, 1885,

Have had the same under consideration, and beg leave to recommend that section 1 read as follows:

Section 1. That section 1 of an act entitled an act to exempt certain wages and earnings of debtors from levy and attachment for debt, approved March 15, 1885, and acts amendatory thereof, be and the same is hereby amended to read as follows:

Section 1. There shall be exempt from levy under execution or attachment or garnishment sixty dollars (\$60) of the amount due for wages or earnings of any debtor at the time such levy is made under execution, attachment or garnishment of the same; Provided, Such debtor shall be at the time of such levy under execution, attachment or garnishment be the head of a family or the wife of the head of the family, and such family is dependent in whole or in part upon such earnings for support; Provided, further, That no debts incurred prior to March 1, 1894, shall be affected thereby.

Artemus Walters,

D. A. Mills,

On the part of the Senate.

Armour C. Anderson,

P. J. Lynch,

W. C. Slawson,

On the part of the House.

Senator Hartzell moved the adoption of the report,

And the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Barela, Boyd, Brown, Drake, Graham, Hartzell, Howes, Israel, Johnson, King, Lockwood, McGovney, Merritt, Mills, Pease, Pryor, Smith (Costilla), Steck, Turner, Walters, Webber, Wheeler, White—25.

Nays—Senators Felker, Painter, Swink—3.

Absent, excused and not voting—Senators Balsinger, Gunnell, Leddy, McKinley, Newman, Smith (Mesa), Timmons—7.

A constitutional majority having voted in the affirmative, the report was concurred in.

Senator McGovney presented a conference report on H. B. No. 26, which was read.

Senator McGovney moved the Senate concur in the report,

And the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Barela, Boyd, Brown, Drake, Graham, Hartzell, Howes, Israel, Johnson, King, Lockwood, McGovney, Merritt, Mills, Painter, Pease, Pryor, Smith (Costilla), Steck, Swink, Turner, Walters, Webber, Wheeler, White—27.

Nays—None.

Absent, excused and not voting—Senators Balsinger, Gunnell, Leddy, McKinley, Newman, Smith (Mesa), Timmons, Felker—8.

A majority having voted in the affirmative, the report was concurred in.

A recess was taken until 2 o'clock p. m.

AFTERNOON SESSION.

The Senate resumed its sitting at 2 o'clock p. m.

Senator Pryor obtained unanimous consent to be excused after 4 o'clock p. m.

The third reading of bills was continued.

Senator Armstrong obtained unanimous consent to have the original figures restored to section 12, lines 2, 3 and 5, to printed copy of substitute for H. B.'s Nos. 59 and 60,

A bill for an act to provide for establishing and maintaining, at public expense, permanent registration lists of all qualified electors in election precincts

included wholly or partially within the limits of cities of the first and second classes, and all other cities with a greater population than 15,000 inhabitants, and to provide for punishing all violations thereof, and to repeal all other acts and parts of acts inconsistent therewith.

The bill was read a third time as amended.

On motion of Senator Boyd a call of the Senate was ordered.

The absent Senators were Felker, McKinley and Webber.

The sergeant-at-arms was ordered to bring in the absentees.

On motion of Senator Hartzell the proceedings under the call were suspended.

Senator Boyd proposed an amendment to section 3 regarding the age of women, and asked unanimous consent to amend the section as proposed, relative to the proviso and its elimination.

Senator Smith objected.

Senator Boyd then filed a protest, but withdrew the same.

The question being, "Shall the bill pass?" the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Barela, Boyd, Brown, Drake, Graham, Hartzell, Howes, Johnson, King, Lockwood, McGovney, Merritt, Mills, Painter, Pease, Pryor, Smith (Costilla), Steck, Swink, Turner, Walters, Wheeler, White—25.

Nays—Senators Felker, Israel—2.

Absent, excused and not voting—Senators Balsinger, Gunnell, Leddy, McKinley, Newman, Smith (Mesa), Timmons, Webber—8.

A constitutional majority of all the Senators elected having voted in the affirmative, the bill was passed.

The question being upon the adoption of the emergency clause, the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Barela, Boyd, Brown, Drake, Graham, Hartzell, Howes, Johnson, King, Lockwood, McGovney, Merritt, Mills, Painter, Pease, Pryor, Smith (Costilla), Steck, Swink, Turner, Walters, Wheeler—24.

Nays—Senator Israel—1.

Absent, excused and not voting—Senators Balsinger, Felker, Gunnell, Leddy, McKinley, Newman, Smith (Mesa), Timmons, Webber, White—10.

A constitutional majority, being two-thirds of all the Senators elected, having voted in the affirmative, the emergency clause was agreed to.

The title was read and agreed to.

The following messages were received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., February 28, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives asks for the appointment of a conference committee on H. B. No. 48, and names Messrs. Sweeney, Benton and Bonynge on the part of the House as members of such committee.

Respectfully,

Jno. R. Wallingford,
Chief Clerk.

On motion of Senator Hartzell the President appointed a conference committee on H. B. No. 48.

Senators Turner and Wheeler were appointed.

The President announced he was about to sign, and in the presence of the Senate did sign,

H. B. No. 68.

State of Colorado,
House of Representatives,
Denver, Colo., February 28, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives has adopted report of conference committee on H. B. No. 34.

Respectfully,

Jno. R. Wallingford,
Chief Clerk.

The following conference report was received:

Report of conference committee on H. B.'s Nos. 15 and 24:

State of Colorado,
Senate Chamber,
Denver, Colo., February 28, 1894.

Mr. President:

Your committee on conference, to which was referred H. B.'s Nos 15 and 24, being

A bill for an act to amend an act entitled, "An act for an act to provide a code of procedure in civil actions for courts of record in the State of Colorado, and to repeal all acts inconsistent therewith," approved April 7, 1887; and a bill for an act to amend the attachment laws in justices' courts of the State, as prescribed by division 5 of the general statutes of the State of Colorado of 1883,

Have had the same under consideration and beg leave to report that:

Whereas, Since said bills were first under consideration in committee of conference the Supreme Court has modified its decision theretofore rendered, with reference to the authority and power of this General Assembly to legislate upon the subject of "attachments" at this time; and

Whereas, This General Assembly now has apparently unquestionable power under the governor's proclamation to enact what is commonly known as a "pro rate" attachment law; and

Whereas, It is apparent to your committee that no law can at this time be agreed to by both houses of the Legislature, except, possibly:

First—A law striking out the thirteenth subdivision of section 92 of the code of civil procedure and the tenth subdivision of section 2000 of the general statutes, and postponing the operation of said law until 1895; or

Second—A law retaining said subdivision thirteenth of the said section 92 of the code and said subdivision tenth of section 2000 of the general statutes, with a provision for pro-rating of attachments, and with the ordinary emergency clause attached;

Therefore, your committee recommends that H. B. No. 24, as amended by the Senate, be amended by adding to section 1 the following:

"Thirteenth—That the action is brought upon an overdue promissory note, bill of exchange or other written instrument for the direct and unconditional payment of money only, or upon an overdue book account."

And by substituting for section 7 the following:

"Sec. 7. Whereas, In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage."

Your committee also recommends that H. B. No. 15, as amended by the Senate, be amended by adding to section 1 thereof the following:

"Tenth—In all suits brought upon overdue promissory notes, bills of exchange, other written instruments for the direct payment of money and upon book accounts, the creditor may have a writ of at-

tachment issued upon complying with the provisions of this act."

And by substituting for section 7 the following:

"Sec. 7. Whereas, In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage."

Your committee would state that the foregoing recommendations will leave the attachment laws as at present, with an addition thereto of what is commonly called the "pro-rate" provisions, which "pro-rate" provisions will take effect immediately upon the approval of said acts, and your committee is of the opinion that such acts will meet with the approval of most of those who desire a change in our present attachment laws.

Geo. E. Pease,

H. R. Brown,

On the part of the Senate.

James A. Kilton,

H. E. Sims,

Thomas S. Wells,

On the part of the House.

Senator Felker moved the adoption of the report.

Senator Hartzell called for a division of the report, and that the roll be called upon the adoption of the report as related to H. B. No. 15.

The yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Barela, Boyd, Brown, Drake, Graham, Hartzell, Howes, Israel, Johnson, King, Lockwood, McGovney, Merritt, Mills, Painter, Smith (Costilla), Steck, Swink, Turner, Walters, Wheeler, White—24.

Nays—Senator Felker—1.

Absent, excused and not voting—Senators Balsinger, Gunnell, Leddy, McKinley, Newman, Pease, Pryor, Smith (Mesa), Timmons, Webber—10.

A majority, being two-thirds of all the Senators elected, having voted in the affirmative, the report was adopted, with the emergency clause.

The question being upon the adoption of the report on H. B. No. 24, the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Barela, Boyd, Brown, Drake, Graham, Hartzell, Howes, Israel, Johnson, King, Lockwood, McGovney, Merritt, Mills, Painter, Smith (Costilla), Steck, Swink, Turner, Walters, Wheeler, White—24.

Nays—Senator Felker—1.

Absent, excused and not voting—Senators Balsinger, Gunnell, Leddy, McKinley, Newman, Pease, Pryor, Smith (Mesa), Timmons, Webber—10.

A majority, being two-thirds of all the Senators elected, having voted in the affirmative, the report was adopted.

The following message was received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., February 28, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives has reconsidered the vote by which it adopted conference report on H. B. No. 34, in order to allow said report to be corrected by the committee.

Respectfully,

Jno. R. Wallingford,
Chief Clerk.

Senator Walters moved that the vote whereby the conference report on H. B. No. 34 was adopted be reconsidered, and that the report be referred to the committee again to correct an error.

The motion prevailed and it was so ordered.

Senator Hartzell moved a reconsideration of the vote whereby H. B. No. 73 was passed.

Senator Felker moved that the motion be laid on the table.

And the yeas and nays were had with the following result:

Yeas—Senators Armstrong, Barela, Boyd, Brown, Drake, Felker, Graham, Hartzell, Howes, Israel, Johnson, King, Lockwood, McGovney, Merritt, Mills, Painter, Smith (Costilla), Steck, Swink, Turner, Wheeler, White—23.

Nays—Senator Adams—1.

Absent, excused and not voting—Senators Balsinger, Gunnell, Leddy, McKinley, Newman, Pease, Pryor, Smith (Mesa), Timmons, Walters, Webber—11.

A majority having voted in the affirmative, the motion to table was agreed to.

Senator Walters returned the conference report on H. B. No. 34, with the corrections made thereon, and moved that, as corrected, it be adopted by the Senate.

The yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Barela, Boyd, Brown, Drake, Graham, Hartzell, Howes, Israel, Johnson, King, Lockwood, Merritt, Mills, Smith (Costilla), Steck, Turner, Walters, Wheeler, White—21.

Nays—Senators Felker, Painter, Swink—3.

Absent, excused and not voting—Senators Balsinger, Gunnell, Leddy, McGovney, McKinley, Newman, Pease, Pryor, Smith (Mesa), Timmons, Webber—11.

A majority having voted in the affirmative, the report as corrected was adopted.

Senator McGovney moved a reconsideration of the vote whereby the report of the conference committee on H. B. No. 26 was adopted be reconsidered, that the report might be corrected.

The motion prevailed and the report was referred to the committee of conference.

The resolution presented by Senator Drake in the forenoon was taken up for consideration and read, as follows:

Be it Resolved, That a committee of three hold-over Senators, consisting of Senators to be appointed by the President, be and hereby are appointed and empowered to inquire into the management of the various institutions of the State, and make a report of their findings to the Tenth General Assembly.

That they also report to the Tenth General Assembly the needs of the various institutions and suggest legislation having in view a more economical management of said institutions, as well as for the purpose of remedying any evils which may be found existing under present laws, rules and regulations.

Senator Hartzell moved that the resolution be amended by authorizing the President to appoint the committee, which was agreed to.

The question being upon the adoption of the resolution, the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Barela, Boyd, Drake, Felker, Graham, Hartzell, Johnson, Mills, Smith (Costilla), Steck, Swink, Turner, Walters, Webber, Wheeler—17.

Nays—Senators Brown, Howes, King, Lockwood, McGovney, Merritt, Painter, White—9.

Absent, excused and not voting—Senators Balsinger, Gunnell, Israel, McKinley, Newman, Pease, Pryor, Smith (Mesa), Timmons—9.

A majority having voted in the affirmative, the resolution was declared adopted.

Senator Felker gave notice that he would move a reconsideration of the resolution.

Senator White moved that the secretary of the Senate be instructed to recall from the House H. B. No. 73, as he had a notice on the journal that he would move a reconsideration of the vote whereby the bill had been passed on third reading.

The yeas and nays were had with the following result upon the motion:

Yeas—Senators Adams, Drake, King, McGovney, Painter, Webber, White—7.

Nays—Senators Armstrong, Barela, Boyd, Brown, Felker, Hartzell, Howes, Johnson, Lockwood, Merritt, Mills, Pease, Steck, Swink, Turner, Walters, Wheeler—17.

Absent, excused and not voting—Senators Balsinger, Graham, Gunnell, Israel, Leddy, McKinley, Newman, Pryor, Smith (Mesa), Smith (Costilla), Timmons—11.

A majority not having voted in the affirmative, the motion did not prevail.

Senator McGovney presented the following conference report and moved its adoption:

State of Colorado,
House of Representatives,
Denver, Colo., February 28, 1894.

Mr. President:

Your committee on conference, to which was referred H. B. No. 26,

A bill for an act concerning revenue, and repealing all acts in conflict therewith,

Have had the same under consideration and beg leave to recommend that the same be amended as

hereinafter set forth, reference being had to the engrossed Senate substitute for said bill:

That the title be amended so as to read as follows:

"A bill for an act concerning penalties and interest on delinquent taxes, and providing for the manner of advertising and collecting the same, and repealing all acts in conflict therewith.

That section 1 be amended in line 10 by striking out the word "thirty-five" and inserting in lieu thereof the word "fifty."

In line 11 by striking out the word "twenty" and inserting in lieu thereof the word "twenty-five."

That section 3 be amended by striking out in line 1 the word "fifteen" and inserting in lieu thereof the word "twenty."

And in line 2 strike out the word "thirty" and insert in lieu thereof the word "forty."

That section 6 be amended by striking out the words "at the rate of twenty-four per cent. per annum" following the word "thereon" in line 10.

In line 11, after the word "sale," insert the following words: "at the rate of thirty-six per cent. per annum for the first six months and thirty per cent per annum for the subsequent six months and the remaining period at the rate of twenty-four per cent. per annum."

In line 22, after the word "thereon," strike out the words "after the passage of this act."

In line 21 strike out the word "except" and insert the word "or" in lieu thereof.

That the following be inserted as section 7:

"Sec. 7. This act shall in no way affect or change the rate of interest on delinquent taxes prior to the date of sale, but the same shall be collected as now provided by law."

That section 7 be numbered section 8.

That section 8 be numbered section 9.

Geo. E. Pease,

A. A. McGovney,

On the part of the Senate.

S. R. Fitzgarrald,

C. H. Bent,

A. W. Lennard,

On the part of the House.

The question being upon the adoption of the report, the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Barela, Boyd, Brown, Drake, Graham, Hartzell, Howes, Johnson, King, Lockwood, McGovney, Merritt, Mills, Painter, Pease, Smith (Costilla), Steck, Swink, Turner, Walters, Webber, White—24.

Nays—None.

Absent, excused and not voting—Senators Balsinger, Felker, Gunnell, Israel, Leddy, McKinley, Newman, Pryor, Smith (Mesa), Timmons, Wheeler—11.

A majority, being two-thirds of all the Senators elected, having voted in the affirmative, the report was adopted.

Senator McGovney moved that H. B. No. 40, which had been indefinitely postponed, be taken up and referred to the special committee of three hold-over Senators for an investigation as to its merits, to report at the next General Assembly.

Unanimous consent was given, and it was so ordered.

Senator Adams moved that H. B. No. 39 be recalled from the special committee of hold-over Senators and be made a special order at 7:30 p. m.

Senator Swink moved to amend the motion by including H. B. No. 2.

Senator Felker moved the Senate adjourn.

The motion did not prevail.

Senator Felker moved a call of the Senate, and the roll was called.

On motion of Senator Adams proceedings under the call were suspended.

Senator Howes was given unanimous consent to be absent for two days.

Senator Felker moved to adjourn.

The motion did not prevail.

The following messages were received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., February 28, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives has concurred in Senate amendments to H. B. No. 64.

Respectfully,

Jno. R. Wallingford,
Chief Clerk.

State of Colorado,
House of Representatives,
Denver, Colo., February 28, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives has adopted the report of the committee of conference on H. B.'s Nos. 15 and 24.

Respectfully,

Jno. R. Wallingford,
Chief Clerk.

The Senate adjourned.

FIFTY-FIRST DAY.

THURSDAY, MARCH 1, 1894.

The Senate was called to order at 10 o'clock a. m.
Lieutenant Governor Nichols presiding.

Quorum present.

Prayer by the chaplain.

The journal of the previous day was read and approved.

The resolution introduced by Senator Felker on February 27, relating to the contempt of Senators in leaving the Senate chamber on the previous evening was read.

Senator Felker moved that the resolution be laid on the table.

The question being upon the motion to table, the yeas and nays were had with the following result:

Yeas—Senators Barela, Brown, Howes, Johnson, Pease, Steck, Swink, Turner—8.

Nays—Senators Adams, Armstrong, Boyd, Drake, Felker, Graham, Hartzell, Israel, King, Lockwood, Merritt, Mills, Painter, Smith (Costilla), Walters, Webber, White—17.

Absent, excused and not voting—Senators Balsinger, Gunnell, Leddy, McGovney, McKinley, Newman, Pryor, Smith (Mesa), Timmons, Wheeler—10.

A majority not having voted in the affirmative, the motion did not prevail.

Senator Felker gave notice that he had voted aye for the purpose of moving a reconsideration of the vote.

On motion of Senator Hartzell the resolution was ordered returned to the introducer.

The Senate took a recess for 30 minutes at 11:45 o'clock a. m.

When the Senate resumed its sittings the President announced that he was about to sign, and in the presence of the Senate did sign,

H. B. No. 64.

The following message was received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., March 1, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives has adopted corrected conference report on H. B. No. 34.

Also,

Has amended Senate amendment to section 9 of substitute for H. B.'s Nos. 59 and 60.

The substitute is herewith respectfully transmitted.

Respectfully,

Jno. R. Wallingford,
Chief Clerk.

The amendment proposed by the House to Senate amendment to substitute for H. B.'s Nos. 59 and 60, being as follows:

Add to section 9, after the word "charter," the words "all other cities."

Senator Hartzell moved the amendment be concurred in.

The question being upon the adoption of House amendment to the Senate amendment, the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Barela, Boyd, Brown, Drake, Felker, Graham, Hartzell,

Howes, Israel, Johnson, King, Lockwood, Merritt, Mills, Pease, Smith (Costilla), Steck, Swink, Walters, Webber, White—24.

Nays—None.

Absent, excused and not voting—Senators Balingier, Gunnell, Leddy, McGovney, McKinley, Newman, Painter, Smith (Mesa), Timmons, Turner, Wheeler—11.

A majority having voted in the affirmative, the amendment was concurred in.

Senator Swink introduced S. C. R. No. 11,

In relation to a petition to congress for the ceding of the Fort Lyon military reservation to the State of Colorado,

Which was read and unanimously adopted.

Senator Wheeler of the conference committee on H. B. No. 48 reported that the committee was unable to agree upon a report.

The committee was discharged.

The following message was received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., March 1, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives has non-concurred in Senate amendments to H. B. No. 73, and the bill is herewith respectfully retransmitted.

Respectfully,

Jno. R. Wallingford,
Chief Clerk.

On motion of Senator Hartzell the Senate agreed to insist upon the amendments.

Senator Adams renewed his motion to recall H. B. No. 39 from the special committee of hold-over Senators, and to refer the same to the committee of the whole.

Senator Hartzell moved the Senate take a recess until 2 o'clock p. m.

And the yeas and nays were had with the following result:

Yeas—Senators Boyd, Brown, Drake, Felker, Hartzell, Howes, Israel, King, Lockwood, Merritt, Painter, Steck, Swink, Turner, Webber—15.

Nays—Senators Adams, Armstrong, Barela, Graham, Johnson, Mills, Pease, Smith (Costilla), Walters, Wheeler—10.

Absent, excused and not voting—Senators Balsinger, Gunnell, Leddy, McGovney, McKinley, Newman, Pryor, Smith (Mesa), Timmons, White—10.

A majority having voted in the affirmative, the Senate took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

The Senate resumed its sitting at 2 o'clock p. m.

The President announced that he was about to sign, and in the presence of the Senate did sign,

H. B. No. 34.

The following message was received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., March 1, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives has con-

curred in Senate amendments to substitute for H. B.'s Nos. 59 and 60.

Respectfully,

Jno. R. Wallingford,
Chief Clerk.

Senator Adams moved that H. B. No. 39 be recalled from the special committee of hold-over Senators and be referred to the committee of the whole for consideration.

Senator Felker moved a call of the Senate, and the roll was called.

Senator Adams moved that the call be suspended, which was not agreed to.

On motion of Senator Johnson proceedings under the call were suspended.

The following message was received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., March 1, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives asks for the appointment of a second conference committee on H. B. No. 48, and names Messrs. Brown, Fitzgarrald and Lynch on the part of the House as members of such committee.

Respectfully,

Jno. R. Wallingford,
Chief Clerk.

Senators Mills and Hartzell were appointed a conference committee on H. B. No. 48 on the part of the Senate.

Senator Felker moved that Senator Gunnell be excused for an indefinite period, which was agreed to.

Senator Turner introduced the following resolution:

Whereas, There is and will be an extra demand for copies of substitute for H. B.'s Nos 59 and 60; therefore, be it

Resolved, That the Printing Committee be and are hereby authorized to print five extra tokens of substitute for H. B.'s Nos 59 and 60, for use of the members of the General Assembly and secretary of state.

Senator Wheeler moved that the rules be suspended for the consideration of the resolution.

It was unanimously agreed to suspend the rules.

The resolution was adopted.

Senator Felker moved that the motion by Senator Adams relating to H. B. No. 39 be laid on the table.

The motion did not prevail.

The following message was received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., March 1, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives asks for the appointment of a conference committee on H. B. No. 73, and names Messrs. Bromley, Cannon and Booth on the part of the House as members of such committee.

Respectfully,

Jno. R. Wallingford,
Chief Clerk.

On motion of Senator Wheeler the request of the House was complied with.

Senators White and Brown were appointed.

The question before the Senate being the motion by Senator Adams to recall H. B. No. 39,

Senator Drake moved as an amendment that H. B. No. 2 and H. B. No. 52 be included in the motion.

The amendment was accepted.

The following message was received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., March 1, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives has concurred in S. C. R. No. 11, after amending the same.

Which resolution relates to the ceding of the Fort Lyons military reservation to the State of Colorado, and is herewith respectfully transmitted.

Respectfully,

Jno. R. Wallingford,
Chief Clerk.

Senator Barela was called to the chair.

Senator Felker proceeded to address the Senate.

Senator Walters raised a point of order that the Senator was not talking to the question before the Senate.

The President so ruled.

A motion by Senator Turner to take a recess was not agreed to.

A call of the Senate was made on motion of Senator Boyd, and on motion of Senator Adams the proceedings under the call were suspended.

Senator Felker moved that the Senate adjourn.

The roll call was proceeded with on the motion, and announced as follows, after being verified:

Yeas—Senators Barela, Boyd, Felker, Howes, Israel, Lockwood, Merritt, Painter, Swink, Turner—10.

Nays—Senators Adams, Armstrong, Drake, Graham, Johnson, Smith (Costilla), Steck, Walters, Wheeler—9.

Absent, excused and not voting—Senators Balsinger, Brown, Gunnell, Hartzell, King, Leddy, McGovney, McKinley, Mills, Newman, Pease, Pryor, Smith (Mesa), Timmons, Webber, White—16.

The President declared the motion to have prevailed and the Senate adjourned.

FIFTY-SECOND DAY.

FRIDAY, MARCH 2, 1894.

The Senate was called to order at 10 o'clock a. m.
Lieutenant Governor Nichols presiding.

Quorum present.

Prayer by the chaplain.

The journal of the previous day was read and approved.

Senator Barela made a statement that he had been erroneously voted on the motion to adjourn on the previous day, and requested the statement to appear upon the journal, which was agreed to.

The President announced that he was about to sign, and in the presence of the Senate did sign,

H. B. No. 15, H. B. No. 24 and substitute for H. B.'s Nos. 59 and 60.

Senator Hartzell presented a conference report on H. B. No. 48.

In presenting the same Senator Hartzell stated that Senator Brown had not signed the report, but he assured the Senate that the committee were unanimous for the report.

Senator Hartzell moved that the first paragraph of rule 26 be suspended, that the report might be considered without being printed.

And the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Barela, Boyd, Brown, Drake, Felker, Graham, Hartzell, Howes, Johnson, King, Leddy, Lockwood, McGovney, Merritt, Mills, Painter, Pease, Smith (Costilla), Steck, Swink, Turner, Walters, Wheeler—25.

Nays—None.

Absent, excused and not voting—Senators Balsinger, Gunnell, Israel, McKinley, Newman, Pryor, Smith (Mesa), Timmons, Webber, White—10.

A majority, being two-thirds of all the Senators voting, having voted in the affirmative, the motion prevailed and the rule was suspended.

Senator Hartzell moved the adoption of the conference report on substitute for H. B. No. 48.

And the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Barela, Boyd, Brown, Drake, Felker, Graham, Hartzell, Howes, Johnson, King, Leddy, Lockwood, McGovney, Merritt, Mills, Painter, Pease, Smith (Costilla), Steck, Swink, Turner, Walters, Wheeler, White—26.

Nays—None.

Absent, excused and not voting—Senators Balsinger, Gunnell, Israel, McKinley, Newman, Pryor, Smith (Mesa), Timmons, Webber—9.

A majority of all the Senators elected having voted in the affirmative, the motion prevailed and the report was adopted.

Senator Hartzell obtained unanimous consent that the name of the introducer of the original bill H. B. No. 48 be stricken from the bill.

Senator White presented a conference report on H. B. No. 73.

Senator White stated that he and Senator Brown of the committee had signed the report, but reserved the right to vote against the same.

Senator White moved that the rule for printing the conference report be suspended.

The question being to suspend the rule for printing, the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Barela, Boyd, Brown, Drake, Graham, Hartzell, Howes, Johnson, Leddy, Lockwood, McGovney, Merritt, Mills, Painter, Pease, Smith (Costilla), Steck, Swink, Turner, Walters, Wheeler, White—24.

Nays—Senator Felker—1.

Absent, excused and not voting—Senators Balsinger, Gunnell, Israel, King, McKinley, Newman, Pryor, Smith (Mesa), Timmons, Webber—10.

A majority having voted in the affirmative, the motion prevailed.

The conference report read as follows:

State of Colorado,
Senate Chamber,
Denver, Colo., March 1, 1894.

Mr. President:

Your committee on conference, to which was referred H. B. No. 73,

A bill for an act regulating the rate of interest on chattel mortgages, and providing penalties for the violation thereof,

Have had the same under consideration and beg leave to recommend that the same be amended as

follows, reference being had to engrossed House bill as amended by the Senate:

That Senate amendment to title be stricken out.

That all of that part of section 1 as same passed the House, commencing with beginning of the section down to and including the word "liens" in line 10, be reinstated and remainder of the section stand as amended by the Senate, except that the word "one" in line 4 of reinstated portion of said section be stricken out and the word "two" inserted in lieu thereof.

That section 2 stand as amended by the Senate.

That the following be inserted as section 3:

Sec. 3. If any mortgagee shall directly or indirectly exact a greater rate of interest than is provided for in section 1 of this act, he shall forfeit to the mortgagor all interest on the obligation.

That section 3 of engrossed House bill be numbered section 4.

L. N. White,

H. R. Brown,

On the part of the Senate.

E. A. Bromley,

W. T. Booth,

Wilbur F. Cannon,

On the part of the House.

Senator Felker moved that the Senate do not concur in the report.

Senator Steck moved as an amendment that the Senate do concur.

And the yeas and nays were had with the following result:

Yeas—Senators Armstrong, Barela, Drake, Graham, Johnson, King, Mills, Pease, Smith (Costilla), Steck, Turner, Walters, Wheeler—13.

Nays—Senators Adams, Boyd, Brown, Felker, Hartzell, Howes, Leddy, Lockwood, McGovney, Merritt, Painter, Swink, White—13.

Absent, excused and not voting—Senators Balsinger, Gunnell, Israel, McKinley, Newman, Smith (Mesa), Timmons, Webber—9.

A constitutional majority of all the Senators elected not having voted in the affirmative, the Senate refused to concur in the report.

S. C. R. No. 11, by Senator Swink, as amended by the House, was read.

On motion of Senator Swink the amendments by the House were unanimously concurred in.

The following message was received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., March 2, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives asks for the appointment of a second conference committee on H. B. No. 73, and names Messrs. Kilton, Carnahan and Young on the part of the House as members of such committee.

Respectfully,

Jno. R. Wallingford,
Chief Clerk.

On motion of Senator Wheeler the request of the House was concurred in, and Senators Pease and King were appointed on the part of the Senate.

Senator Hartzell moved a reconsideration of the vote whereby the conference report on H. B. No. 48 had been adopted.

The motion prevailed and the report was recommended to the committee.

Senator Hartzell reported that the conference committee on H. B. No. 48 was unable to agree on a report.

The committee was discharged.

Senator Adams moved that H. B. No. 39, H. B. No. 2 and H. B. No. 52 be recalled from the special committee and be referred to the committee of the whole.

Senator Swink moved for a division of the question, and that H. B. No. 2 be not recalled from the committee.

Senator McGovney moved as a substitute that the motions be laid on the table.

The roll was called, but while the announcement of the vote was pending,

Senator Mills moved a call of the Senate.

Senator Boyd raised a point of order that a call was not in order, as voting had commenced.

The chair so ruled.

The vote was announced as follows:

Yeas—Senators Boyd, Brown, Felker, Hartzell, Howes, King, Leddy, Lockwood, McGovney, Merritt, Painter, Swink, Turner—13.

Nays—Senators Adams, Armstrong, Balsinger, Barela, Graham, Johnson, Mills, Smith (Costilla), Steck, Walters, Wheeler, White—12.

Absent, excused and not voting—Senators Balsinger, Gunnell, Israel, McKinley, Newman, Pease, Pryor, Smith (Mesa), Timmons, Webber—10.

A majority having voted in the affirmative, the motion prevailed and the motions were tabled.

The following message was received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., March 2, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives asks for the appointment of a third conference committee on H. B. No. 48, and names Messrs. Fitzgarrald, Lynch and Bent on the part of the House as members of such committee.

Respectfully,

Jno. R. Wallingford,
Chief Clerk.

On motion of Senator Hartzell it was agreed to comply with the request of the House.

The President appointed Senators Hartzell and Mills.

The President announced that he was about to sign, and in the presence of the Senate did sign,

H. B. No. 26.

Senator Hartzell presented the following conference report and moved its adoption:

State of Colorado,
Senate Chamber,
Denver, Colo., March 1, 1894.

Mr. President:

Your committee on conference, to which was referred H. B. No. 48,

A bill for an act concerning deeds of trust and other instruments of like purport, and repealing all acts and parts of acts in conflict therewith,

Have had the same under consideration and beg leave to recommend that section 2 be amended by striking out from line 5 the last word of said line and all of line 6, including the first syllable on line 7, and inserting in lieu thereof the following: "For and

during the term of three years, unless sooner removed for cause; Provided, That such appointee may be removed by said judges of the Supreme Court or a majority thereof, upon good cause being shown therefor."

Also by adding to section 3 the following: "Provided, That the salary of the public trustee in the different counties of the State shall be fixed at the following amounts, to wit: In counties of the first class, \$5,000 per annum.

In counties of the second class, \$3,600 per annum, and in all other counties, \$2,000 per annum.

Which salary shall be paid from the fees collected by him as provided in this act, and not otherwise.

And such trustees shall quarterly make and file with the board of county commissioners a full and complete statement under oath of all transactions of his office, and shall, upon the approval of said report, pay into the county treasury all sums which he has received as fees in excess of the amount of salary then due to him, which moneys shall by the county treasurer be placed to the credit of a fund to be known as the public trustee salary fund, and at the expiration of each year the county treasurer shall, out of any moneys in said fund, and not otherwise, pay to such public trustee such an amount, if any, as may be still due to such public trustee on account of his salary for the preceding year, such payment to be made only upon the certificate of the board of county commissioners, stating the amount of such salary still remaining due and unpaid, and the balance of said fund shall thereupon be transferred to the general fund of the county.

In section 5, line 3, after the word "sale" insert the following: "weekly in some newspaper of general circulation."

And after the word "which" in same line insert the word "publication;" also in same line after the word "be" insert the word "for."

And in section 14, line 2, strike out the word "shall" and insert the word "may" in lieu thereof.

In making the above amendments reference being had to the engrossed Senate substitute bill.

Charles Hartzell,
D. A. Mills,
On the part of the Senate.
S. R. Fitzgarrauld,
P. J. Lynch,
Platt Wicks,
On the part of the House.

The question being upon the adoption of the report, the yeas and nays were had with the following result:

Yeas—Senators Adams, Armstrong, Barela, Boyd, Brown, Drake, Graham, Hartzell, Howes, Johnson, King, Leddy, Lockwood, McGovney, Merritt, Mills, Painter, Smith (Costilla), Steck, Swink, Turner, Walters, Wheeler—23.

Nays—None.

Absent, excused and not voting—Senators Balsinger, Felker, Gunnell, Israel, McKinley, Newman, Pease, Pryor, Smith (Mesa), Timmons, Webber, White—12.

A majority having voted in the affirmative, the report was adopted.

On motion of Senator Hartzell a recess was taken until 2 o'clock p. m.

AFTERNOON SESSION.

The Senate was called to order at 2 o'clock p. m.

Senator Graham obtained consent to be absent for the day, announcing that he was paired with Senator Leddy.

A recess was taken.

When the Senate was called to order Senator Wheeler moved that the bill aiding in the construction of State canal No. 2 be recalled from the special committee of hold-over Senators and be brought before the Senate for consideration.

Webber moved that the bill aiding in the construction of State canal No. 2 be recalled from the special committee of hold-over Senators and be brought before the Senate for consideration.

Senator Drake moved an amendment that the bill to aid in the construction of State canal No. 1 be included in the motion.

Senator Hartzell moved a recess of 15 minutes.

The motion prevailed and the Senate took a recess at 5 o'clock p. m.

When the Senate resumed its sitting the following message was received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., March 2, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives has adopted report of third conference committee on Senate substitute for H. B. No. 48.

Respectfully,

Jno. R. Wallingford,
Chief Clerk.

The following report was received:

State of Colorado,
Senate Chamber,
Denver, Colo., March 1, 1894.

Mr. President:

Your second conference committee, to which was referred H. B. No. 73.

A bill for an act regulating rates of interest on chattel mortgages, etc.,

Have had the same under consideration and beg leave to report that they are unable to agree.

Geo. E. Pease,

John King,

On the part of the Senate.

James A. Kilton,

James S. Carnahan,

Geo. X. Young,

On the part of the House.

The following message was received from the House:

State of Colorado,

House of Representatives,

Denver, Colo., March 2, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives adheres to its disagreement with the Senate on H. B. No. 73.

Respectfully,

Jno. R. Wallingford,

Chief Clerk.

Senator Felker moved that the Senate adhere to its amendments to H. B. No. 73.

And the yeas and nays were had with the following result:

Yeas—Senators Boyd, Brown, Felker, Hartzell, Howes, King, Leddy, Lockwood, McGovney, Merritt, Pryor, Swink, Turner, White—14.

Nays—Senators Adams, Armstrong, Barela, Drake, Graham, Johnson, Mills, Pease, Steck, Walters, Wheeler—11

Absent, excused and not voting—Senators Balingier, Gunnell, Israel, Johnson, McKinley, Newman, Smith (Mesa), Smith (Costilla), Timmons, Webber—10.

A majority having voted in the affirmative, the motion prevailed and the Senate adhered to its amendments to H. B. No. 73.

On motion of Senator Hartzell the secretary of the Senate was instructed to notify the House that the Senate has completed the business before it.

Senators Johnson and Adams were appointed a special committee to wait upon his excellency the governor to ascertain if he had any other communications to transmit to the Senate.

A recess was taken until 7:30 o'clock p. m.

EVENING SESSION.

The Senate resumed its sittings at 7:30 o'clock p. m.

Senator Johnson of the joint committee to call on the governor reported that the duty of the committee had been discharged, and that his excellency had no further communication to commit to the Senate.

The report was received and the committee discharged.

A recess was taken until 10:30 o'clock p. m.

When the Senate resumed its sitting Senator McGovney* introduced the following resolution:

Resolved, That the secretary of the Senate be and he is hereby instructed to issue to Maurice C. Hayes a voucher, at the rate of four dollars per day, for fifty-two days, as bill clerk and assistant sergeant-at-arms; he has been employed by the State as custodian of the property in and about the Assembly building during this extra session.

The resolution was unanimously adopted.

The President announced that he was about to sign, and in the presence of the Senate did sign,

H. B. No. 48.

Senator Hartzell presented S. C. R. No. 12,

In relation to an adjournment sine die at 11:30 o'clock p. m., Friday, March 2, 1894.

The roll was called, nineteen Senators voting aye and none voting nay.

The resolution was declared adopted.

On motion of Senator Hartzell a recess of 15 minutes was taken at 11:10 o'clock p. m.

When the Senate resumed its sittings a committee from the House was announced and reported that the House had completed the business before it and was ready to adjourn sine die.

The following message was received from the House:

State of Colorado,
House of Representatives,
Denver, Colo., March 2, 1894.

To the Honorable the President of the Senate:

Sir—I am instructed to inform your honorable body that the House of Representatives has concurred in S. C. R. No. 12,

Fixing an hour for the final adjournment of the General Assembly.

And said resolution is herewith respectfully transmitted.

Respectfully,

Jno. R. Wallingford,
Chief Clerk.

The President announced the appointment of Senators Barela, Wheeler and Armstrong as a special committee in accordance with a resolution introduced by Senator Drake and adopted by the Senate Febru-

ary 28, 1894, providing for an inspection of the various State institutions, to prepare a report to be submitted to the Tenth General Assembly.

The journal of the day's proceedings was read and approved.

On motion of Senator Hartzell the Senate adjourned sine die, in accordance with S. C. R. No. 12.

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- No. 27, a bill for an act to provide for the payment of a part of the contingent and incidental expenses of the special session of the Ninth General Assembly of the state of Colorado, 99, 101, 109.
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- No. 29, a bill for an act concerning the employment of children and young persons, and to repeal all acts or parts of acts inconsistent herewith, 129, 149, 193, 196.
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- No. 34, a bill for an act to amend general section 2567 of Mills' annotated statutes of Colorado, entitled an act to exempt certain wages and earnings of debtors from levy and attachment for debts, approved March 28, 1885, in force June 28, 1885, page 202, the same being an act of the General Assembly of 1889, and found on page 463 of session laws of 1889, 131, 148, 150, 185, 186, 198, 199, 269, 270, 306, 309, 312, 314, 325, 330, 336, 345, 346, 352, 373, 378, 381, 382, 389, 391.
- No. 36, a bill for an act to provide a public wagon road between Idaho Springs, in Clear Creek county, and the county road in Jefferson county, at or near the Miller ranch, in said Jefferson county, 132, 146, 160, 179.
- No. 39, a bill for an act to construct, operate and maintain state canal No. 2, in Mesa county, by free labor, and provide for the use of unemployed convicts thereupon; the creation of a board of control of the same, and to make appropriations therefor; and to repeal an act entitled, "An act to construct, maintain and operate a state ditch in Mesa county, Colorado, and for the use of unemployed convicts in constructing the same," approved April 16, 1891, and other acts and parts of acts inconsistent herewith, 170, 184, 221, 223, 224, 386, 391, 392, 393, 394.
- No. 40, a bill for an act to provide for the construction of a state reservoir on Plum creek, south of the town of Castle Rock, in Douglas county, at the most suitable place, to be selected by a board of construction herein provided for; to appropriate money for the payment of the same, and to provide for the regulation of the flow of water therefrom, and to maintain the expenses of the same, and to provide a penalty for interfering with or damaging the same, 117, 145, 160, 178, 386.
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- No. 49, a bill for an act to provide for organization and government of a reservoir and irrigation district in the Arkansas valley, to aid in construction and completion of reservoirs and state canal No. 1, 139, 149, 197, 199.

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