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# Biennial Report

JAMES B. PEARCE

# Secretary of State

## COLORADO

FOR THE

Two Fiscal Years Ending November 30, 1910



TO THE GOVERNOR

THE AUTHORIZED PRINTING OFFICE OF THE GOVERNOR  
 DENVER, COLORADO  
 1910



# Biennial Report

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OF

JAMES B. PEARCE

# Secretary of State

*Compliments of*

JAMES B. PEARCE

*Secretary of State*

Two Fiscal Years Ending November 30, 1910



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TO THE GOVERNOR

## SUMMARY

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	Page
Receipts .....	50
Disbursements .....	51
General Incidental Fund.....	53-59
Salary Fund .....	61-64
Miscellaneous Accounts .....	65-67

Biennial Report

OF THE

Secretary of State

OF

COLORADO

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State of Colorado,  
Secretary of State's Office,

Denver, December 28, 1910.

To His Excellency,

JOHN F. SHAFROTH,  
Governor of Colorado.

Sir:—I have made investigation and given some considerable time and thought so far as it applies to this Department, of that provision of the Constitution which provides:

“That officers of the Executive Department and of all public institutions of the State shall at least twenty days preceding each regular session of the General Assembly, make full and complete reports of their actions to the Governor, who shall transmit the same to the General Assembly.”

Chapter 93, page 239, Session Laws, 1901, limits the number of reports of all elective State officers that may be printed and published to one thousand copies and of all other reports to two hundred fifty, excepting two thousand copies for the Superintendent of Public Instruction, State Engineer and Labor Commissioner. Also provides, no report shall exceed three hundred pages.

As to the latitude allowed an executive officer by the constitutional provision above referred to in this language: “Make

full and complete reports of their actions," I am unable to determine for others, but propose, so far as this department is concerned, to solve that question in favor of economy and common sense.

On examining the reports of my predecessors for the past several biennial periods, I could not do otherwise than to arrive at the conclusion that many years ago a Secretary of State had started off with giving a certain line of information and that all those who have held the office since, followed his initiative.

None of these reports contain a full and complete abstract of the transactions of this office during the respective biennial periods reported for.

These officers, no doubt, intended to give the Governor accurate and detailed information as to the business transactions of the Department, but such policy and practice has only resulted in producing revenue for the printer. For instance, if a total were to be made of the columns headed "Fees," that total would not balance by many thousand dollars with the summary giving the figures of all fees collected, for the reason that many hundreds of transactions and documents filed have not been included in the report, and could not be included in a volume of less pages than five to six hundred.

That portion of the report treating of domestic and foreign corporations gives no amendments, and many of these corporations have been amended changing the name, increasing the capital stock many fold, and materially changing their status in other respects. These reports do not contain Annual Reports filed, Certificates of Seal, Certificate of Full-Paid Stock, and much other data, and many other transactions just as important as a trade mark or a Notary's Commission.

I have been informed that my immediate predecessor destroyed many hundreds of reports of past Secretaries of State, which had accumulated and only served to occupy valuable space. I find that for the publication of one thousand biennial reports of Secretary Timothy O'Connor, \$1,029.23 was paid. All but about one hundred of these books were paper bound. I have stored away of this thousand copies, nine bunches of seventy-five each—six hundred seventy-five copies—loose copies, thirty-two, making a total now on hand of seven hundred and seven, and in the past two years we have had requests to furnish only about twenty-five copies. I desire to call your attention to the fact that the cost of the printing of Session Laws of 1909, with paste-board covers (553 pages) was but sixty cents apiece; while these Biennial Reports of Mr. O'Connor's, all paper covers, with the exception of about one hundred (213 pages) cost one and three hundredths dollars apiece.

I am of the opinion that at least six hundred copies of these reports will eventually be destroyed.

I do not consider such a report as has been heretofore published full enough to be of any value to the general public, nor is it sufficiently accurate and complete to impart to the Governor and the General Assembly such knowledge of this Department as should be necessary on which to base any legislative action.

In this report, I, therefore, shall confine myself to giving a complete summary of the total receipts from the various sources, number of instruments received and filed, and like data, in a condensed form, as will fully inform your Excellency as to the financial result of my administration. I will also include such information and make such recommendations as in my judgment is for the betterment of public service and in the interest of efficiency, economy and progress in the transaction of the State's business.

If no recommendations came to you from this Department, your Excellency would have the right to assume that in the past two years of experience, the Secretary of State had discovered nothing wrong with the laws pertaining to the Department, and that the statutes enacted for the government thereof were operating in the most perfect manner and producing the most satisfactory results, but such is not the case.

The manner of doing business has been radically changed and many improvements introduced with a view to the betterment of the system, and to increase the efficiency of the Department. While many changes along these lines have been made in the operation of the office, yet this Department has been seriously handicapped by improper, impracticable and imperfect statutes, and I feel it my duty to call your Excellency's attention to these defects for transmission to the next General Assembly, for remedy by the enactment of more just and equitable laws and such as will be constitutional and enable the Secretary of State to enforce the statutes against many hundred corporations doing business in Colorado who have never contributed any revenue to the support of the government and under decisions of courts cannot be compelled so to do.

#### FLAT TAX.

Upon taking charge of this Department, after what might be termed a superficial examination, we discovered many corporations that had never been listed on the State Corporation License Tax, or what is commonly known as "Flat Tax" books.

We proceeded to make a more careful and searching investigation and discovered that thousands of corporations had been omitted and had never paid the flat tax. I determined to place on those books every corporation doing business in Colorado liable for the flat tax.

This work should have been done by past administrations and was an extra and additional burden on the clerks in this

office, there being no appropriation for such emergency, as no emergency was known to exist at the time the General Assembly passed the Appropriation Bill—the force in the office being practically the same in numbers as that of my predecessor. The work of compiling a complete list of corporations subject to the flat tax required thirteen months, during which time the office force worked at night, Sundays and holidays.

The result of the compilation is nine large volumes of typewritten matter. We commenced at the index books and followed the articles and papers through the vaults, the data being accumulated, was checked and typewritten, and afterwards bound into nine volumes—names of corporations being listed in alphabetical order.

We had gotten out notices as the statute provides after we came into office, January 12, 1909, to those corporations which at that time were established on the books, and by the time that this completed list was obtained the period for sending out the notices again had arrived, and about 40,000 were mailed.

The result of this work from a financial standpoint is as follows:

Delinquent Flat Taxes collected during the Biennial period December 1, 1908, to November 30, 1910, and turned over to the State Treasury.....	\$ 83,905.91
As against the Biennial period immediately preceding from December 1, 1906, to December 30, 1908, Delinquent Flat Taxes collected and turned over to the State Treasury .....	22,056.07
	<hr/>
Increase in collection of Flat Taxes by present Secretary of State .....	\$ 61,849.74
Total Flat Taxes collected during the period from December 1, 1908, to November 30, 1910, and turned into State Treasury .....	\$157,872.28
Total Flat Taxes collected during the period from December 1, 1906, to November 30, 1908, and turned into the State Treasury.....	94,679.05
	<hr/>
Result of the work in the Flat Tax Department being an increase of .....	\$63,193.23

The sum so collected is a result worth while, especially when we consider that all interstate commerce companies doing business in the State of Colorado, excepting one, refused to pay their flat tax this year; likewise many large foreign corporations—for the reason that the attorneys representing companies affected by the three very important decisions of the Supreme Court of the United States, which almost put our Flat Tax Department out of business, advised their clients not to pay.

One of these cases, The Western Union Telegraph Company, Plaintiff in Error, vs. State of Kansas, on the relation of C. C. Coleman, Attorney General, decreeing that plaintiff in error was not liable for fees or a tax as provided for by the Kansas statute, wherein the same principles were involved as that, not only



of our flat tax, but also of our fees for the filing of articles of incorporation, etc.

The following language is found in the decree of the Court:

"The right of the Telegraph Company to continue the transaction of the local business in Kansas cannot be made to depend upon its submission to a condition subscribed by that State which was hostile to both the spirit and letter of the Constitution, and the Company is not bound under any circumstances to surrender its constitutional exemption from State taxation, direct or indirect, in respect to its interstate business and its property outside of the State, any more than it would have been bound to surrender any other rights secured by the national Constitution."

The result of this decision is that a State cannot impose a license or a tax of any kind on interstate commerce, nor can it force the collection of a fee or a tax where the same is based on the authorized capital of a corporation, which capital represents business and property in various States or foreign countries.

I would, therefore, recommend that the Annual State Corporation License Tax be amended as follows:

*Section II:* Every foreign corporation which has heretofore obtained or which shall hereafter obtain the right and privilege to transact and carry on business within the limits of the State of Colorado, in addition to the fees and taxes now provided for by law, shall pay on or before the first day of May, A. D. 1907, and on or before the first day of May of each successive year thereafter, to the Secretary of State of the State of Colorado, an Annual State Corporation License Tax as follows:

Two cents upon that proportion of its capital stock represented by its property located and business transacted in Colorado, and every such foreign corporation by its president and secretary shall within sixty (60) days next after the first day of January in each year make and forward to the Secretary of State a statement sworn to of that proportion of the capital stock of said corporation which is represented by its property located and business transacted in Colorado.

*Section IV:* Which provides for notices to be sent to every corporation, to be repealed as a useless expense.

*Section VII:* Every corporation which shall have failed to pay the tax provided for by this Act, shall, by reason of such failure, forfeit its right to do business within the limits of this State until such tax is paid; and every such corporation in default for said tax after the first day of May each year, shall, in addition to said tax, pay a penalty of ten per cent of said tax for every six months or fractional part of six months during which said tax may be delinquent; and such corporation during

its delinquency shall not be permitted to file any instruments, documents, reports or papers in the office of the Secretary of State of Colorado, until said tax due and delinquent has been paid.

Upon paying said tax and penalty, such corporation shall forthwith be relieved from the forfeiture of its right to do business within this State by reason of such failure.

*Section IX:* It shall be the duty of the Attorney General to bring action to recover said tax when delinquent within thirty (30) days after being furnished by the Secretary of State with the name of any corporation or corporations delinquent, with a statement of the amount due including the penalty, if any.

### BRAND DEPARTMENT.

During the latter part of this biennial period, this Department completed the work of the installations of the card system. The Statute creating the Brand Department, provided that the expense for operating the same should be paid out of the receipts.

Section 47 provides that, "All surplus fees accruing by reason of the provisions of this Act in charge of the Secretary of State, after paying all expenses provided for under this Act, or incurred by reason thereof, shall be deposited once every six months with the State Treasurer to the credit of the Bounty Fund."

I would recommend that this Statute be amended requiring the Secretary of State to pay all receipts into the hands of the State Treasurer the first Monday of every month just the same as other moneys are paid.

Amend the law so that the expenses are paid just the same as any other expenses of the office of the Secretary of State and appropriate for all the clerical assistants necessary to run that department.

Disbursements of the Brand Fund as shown by the accounts of the biennial period December 1, 1906, to November 30, 1908, inclusive, are as follows:

The Record Stockman Publishing Co., General Incidental Fund .....	\$1,756.23	
Clerks' salary, paid from receipts.....	5,935.50	
Supplies, paid from General Incidental Fund.....	30.00	
Postage, paid from General Incidental Fund.....	234.16	
Printing books, etc., paid from General Incidental Fund .....	206.30	
		<hr/>
Total expense of Department during that period as shown by accounts.....		\$8,162.19
Total receipts of Brand Department during same period.....	\$6,036.75	
		<hr/>
Expense in excess of receipts.....		\$2,125.44

Amount of expense of the Brand Department drawn from General Incidental Fund.....	\$2,226.69	
Disbursements of Brand Fund as shown by accounts during the Biennial period of December 1, 1908, to November 30, 1910, inclusive:		
Receipts from December 1, 1908, to January 11, 1909, by Mr. O'Connor .....	\$ 311.50	
Received by vouchers, drawn on Treasurer.....	200.28	
	<hr/>	
Differences unaccounted for by Mr. O'Connor.....		\$ 111.22
The Record Stockman Publishing Co.....	\$1,988.38	
Clerks' and Stenographers' salary.....	3,651.90	
Supplies and stationery.....	112.80	
Printing books, etc.....	168.52	
Postage used by Department.....	377.51	
	<hr/>	
Total expense .....		\$6,410.33
Receipts of Brand Department during the same period..	\$6,655.50	
	<hr/>	
Expenditures .....	6,410.33	
	<hr/>	
Receipts turned over to Treasurer by check No. 113 December 5, 1910.....		\$ 245.17

During the next biennial period, it is probable that it will be necessary to have printed a new Brand Book, the original book and supplement No. 1 thereto, having been exhausted. Should the Legislature fail to amend the law as suggested, leaving it necessary for all expenses to be paid out of the receipts of the Department, I feel that it will be difficult to collect enough fees at the present rate charged for recording and certifying to brands to take care of this item with the other incidentals and expenses necessary.

I consider that the fee charged for recording and certifying to brands is entirely too low for the services performed and in any event should be increased to at least three and fifty one hundredths dollars (\$3.50).

I would also recommend that the advertising of new brands as provided by section 6365 of the Revised Statutes, requiring the Secretary of State to cause to be inserted in the official State live stock paper, all advertisements to be paid out of the fees collected thereunder, showing all brands newly recorded for the calendar month previous, be repealed as an unnecessary expense, whether it is paid out of the receipts of the office or out of the general incidental. That item alone, amounting close to two thousand dollars in a biennial period, would enable the Secretary of State beyond any question, if the law remains as it is, to provide a new Brand Book, with a handsome balance left.

There has been no small number of weak points called to our attention with reference to the licensing of registered stallions, and the law should be amended in several particulars.

Among other things, provisions should be made for three forms of certificate; one for registered stallions, registered with an association recognized by the U. S. Department of Agriculture; another to be issued for stallions cross-bred within recognized associations; and, still another covering those classed as "Grade Stallions." The law should also be amended providing that all stallions shall have a certificate as to soundness, and to be free from any hereditary disease, issued by a licensed veterinarian of this State, and that we could recognize a certificate of soundness issued by any of those States which are members of the National Stallion Registered Association, and that the Secretary of State be authorized to become a member of that association.

That all certificates of enrollment be recorded with the county clerk and recorder in the county or counties where such stallion is held for public service, sale or exchange. That certificates be issued for a period of one year and that the fee be two dollars, with a charge of one dollar for renewal, and that upon presentation of satisfactory proof, the return of certificate, with a fee of fifty cents, the records will be so altered to show new ownership.

#### FOREIGN CORPORATIONS: BASIS OF FEES.

Many foreign corporations doing business in this State without having paid the filing fees or their authorized capital stock, as our Statute requires, cannot be compelled so to do on account of the decision of the U. S. Supreme Court in the Western Union case referred to in this report, relating to the flat tax, which said decree of the Supreme Court of the United States was followed by one of like import in the Pullman case on appeal, also from the State of Kansas and one from Alabama, where the same principles were involved.

I consider it much better for the State of Colorado to meet this issue fairly and squarely and consider it imperative and absolutely necessary that our Statutes be made to harmonize with these decisions so that after said Statutes have been properly amended, that they can be enforced in the courts against all such corporations that fail to comply therewith. I, therefore, recommend that section 4, on page 118, Session Laws, 1901, be amended to read as follows:

Every corporation, joint stock company, or association incorporated by or under any general or special law of any foreign State or kingdom, or any State or territory of the United States beyond the limits of this State, having a capital stock divided into shares, shall pay to the Secretary of State for the use of the State, a fee of thirty dollars in case the capital stock which said corporation, joint stock company or association is authorized to have, does not exceed fifty thousand dollars; but in case the capital stock thereof is in excess of fifty thousand dollars, the Secretary of State shall collect the further sum of thirty cents

on each and every one thousand dollars of that proportion of such excess of capital stock as is represented by its property located and business transacted in Colorado, and a like fee of thirty cents on each thousand of that proportion of the amount of each subsequent increase of stock represented by the property located and the business transacted in Colorado. And every such foreign corporation by its president and secretary shall file with the affidavits required, a sworn statement under its corporate seal, setting forth the entire amount of its capital and that proportion thereof which is represented by the business transacted and the property located in the State of Colorado.

### NAMES OF CORPORATIONS.

I desire to call your attention to section 848, Rev. Stat., 1908, page 362, which permits corporations to be filed in this office, of extreme similarity and only prohibiting the filing of any two corporations bearing the same name.

As a result of this provision, many companies are filed of almost exactly the same name, slightly changed by reversing the words or by changing one word, but so nearly alike that many difficulties are constantly growing out of the similarity, and the Secretary of State cannot decline to accept the Articles unless the corporation tendered for filing bears exactly the same name as some other corporation already of record. For that reason, the Statute should be amended to read as follows:

"Section 848: When the certificates shall have been filed as aforesaid, the Secretary of State shall record and carefully preserve the same in his office, and a copy thereof duly certified by the Secretary of State under the Great Seal of the State of Colorado, shall be evidence of the existence of such company, but no certificate shall be filed or received for two corporations where the names are similar or when one name is liable to be mistaken for the name of any other corporation."

### DIRECTORS OF CORPORATIONS.

During the past biennial period, we have received many complaints from individuals named as directors of corporations that have failed to file annual reports as the Statute requires, such failure creating a liability on directors as a penalty. Many have stated that they did not know they were directors and I have been informed that it is the practice of people incorporating companies to issue a few shares of stock to a person and name him as one of the directors to manage the affairs of the company for the first year of its existence, these persons being selected for their prominent standing in the State or community wherein they reside.

I recommend that a Statute be enacted requiring those who present Certificates of Incorporation to the Secretary of State

for filing, be required to present with these papers, a consent in writing to serve as such directors, signed and acknowledged before some officer authorized to take acknowledgments of deeds, certificates in writing, etc.

### ASSESSORS TO BE REQUIRED TO REPORT NAMES OF CORPORATIONS.

In our investigations, we have discovered that there are many foreign corporations doing business in Colorado that have never complied with the laws of this State in any particular, and in order that this Department may be able to get a full list of such corporations that the same may be checked with the records of this office with a view of compelling a compliance with the Statutes, I recommend that the following Statute be enacted:

It shall be the duty of the assessor of each county commencing with the first day of June, 1911, to make a report of all corporations doing business in the county for which he was elected, and he shall receive a compensation therefor from the county.

### ANNUAL REPORTS. (CORPORATIONS.)

At this time, there is no method to determine the number of actually alive and active corporations, as a small proportion, comparatively speaking, of such corporations, comply with the law provided for the filing of annual reports, for the reason that the penalty for failure to so file is not severe enough to compel such filing, being that all officers and directors of a corporation shall be jointly and severally and individually liable for all debts of such corporation, joint stock company or association, that shall be contracted during the year next preceding the time when such report should have been made and filed and until such report shall be made and filed. Corporations that have no debts and do not expect to contract liabilities have no concern or fear of this penalty and pay no attention to this Statute. For this and other sufficient reasons, I recommend that section 11, Session Laws, 1901, on page 122, following provision "Eighth," insert "Provision Ninth," as follows:

"Amount of capital stock (if foreign corporation) represented by its property located and business transacted in the State of Colorado."

And on page 125, as follows:

"And if any such corporation, joint stock company, or association, shall fail, refuse or omit to file the annual report aforesaid, and to pay the fee prescribed therefor, within the time above prescribed, all the officers and directors of said corporation shall be jointly and severally and individually liable for all debts of such corporation, joint stock company, or associa-

tion, that shall be contracted during the year next preceding the time when such report should by this section have been made and filed, and until such report shall be made and filed.

And as a further penalty for such failure, refusal or omission of the president and secretary of such corporation, joint stock company or association, to comply with the conditions of this law, they shall be subject to a fine of not less than one thousand dollars to be recovered before any court of competent jurisdiction; and it is hereby made the duty of the Secretary of State immediately after the expiration of sixty days (60) from the first day of each January, to report the fact to the district attorney, having jurisdiction of the county in which the business of such corporation is located, and the district attorney shall as soon thereafter as is practicable, institute proceedings to recover the fine herein provided for, which shall go into the revenue fund of the county in which the cause shall accrue; in addition to which penalty on and after the going into effect of this Act, no foreign corporation as above defined, which shall fail to comply with this act can maintain any suit or action either legal or equitable, in any of the courts of this State, upon any demand, whether arising out of contract or tort.

#### INACTIVE CORPORATIONS.

In examining the biennial report of Hon. A. B. McGaffey, Secretary of State during the years 1895-6, to Governor Albert W. McIntyre, I find that attention was called to the many companies that had never had an active existence; some had never had a meeting of their stockholders or directors; some were formed prior to the passage of the law which at that time had raised the fees from the old to the then present amounts for speculative purposes in hopes of being able to sell out at a profit after fees were raised; some that were started honestly and with good purpose had either from failure to realize on their expectations or some other (to them) good and sufficient reason sunk into a state of "innocuous desuetude," but they still appeared upon the records and incumbered the indices. Mr. McGaffey recommended that a plan be devised for weeding out these defunct and moribund companies and thus simplify the indices, and suggested that it could be done by imposing a penalty for not making proper returns within a specified time and directing the Secretary of State to strike them from the indices and records after proper notices had been given to the companies by advertisement made in the official State paper, that none might be wronged through some officer's neglect.

If this most efficient officer fourteen years ago, considered this condition of affairs of sufficient importance to call to the Governor's attention with no adequate remedy having been applied during these fourteen years, what must be the condition relative to this matter at this time? And I most heartily endorse and renew his recommendations, as there are thousands

of corporations dead, in fact, but by this Department must be considered legally alive until taken from the record by due process of law.

### CORPORATION LAWS.

Within a few weeks after taking charge of this Department, it was discovered that the corporation laws in use could no longer be certified to, as several sessions of the Legislature had passed since they were compiled, many amendments and new laws having been enacted, and that as a matter of fact that issue had not contained all the corporation laws at the time of publication.

It was necessary that a new compilation be made. This expense was not anticipated in our estimate and there was no fund out of which the expense of this work could be paid.

After consulting with your Excellency and the Attorney General, it was determined that the Secretary of State should compile and make arrangements with the publishing company for printing the same; agreeing to pay on the account out of the first sales of the books, until the debt was cancelled; the proceeds from the sale of the remainder of the books to go into the regular receipts of the office. An agreement was made by the Secretary of State with the Smith-Brooks Printing Company as above, to print one thousand copies for six hundred dollars (\$600.00).

When the books had been printed and ready for binding it was discovered that for a book of that size, paper would not answer the purpose and so we had them bound in cloth at twenty cents (.20) per copy, making a total for the printing and binding, of eight hundred dollars (\$800.00).

One thousand copies of these Corporation Laws were delivered to the office of the Secretary of State, October 30, 1909, a bill was presented by the Smith-Brooks Company for \$1217.15, being \$417.15 in excess of the agreement, which I refused to pay. I had several conferences with members of the company, who stated to me that the work had cost them a great deal more than eight hundred dollars and insisted on the payment of the \$1217.15. Nothing could be done towards settling the account, as I insisted on the contract being lived up to; while it might be true the work cost considerably more than \$800, but they had agreed to do it for that sum, and I would not pay any more. Finally after thirteen months, this company accepted \$800 in payment of the account, for which I hold their receipt.

We now have on hand about seven hundred books, which at the price of two dollars (\$2.00) each will produce the State a profit of fourteen hundred dollars (\$1400.00).

I desire to call your Excellency's attention to the fact that the Biennial Report of Mr. O'Connor's, one thousand copies, all of which had paper covers, except one hundred, containing two hundred thirteen pages, cost one and three hundredths dollars



(\$1.03) apiece, where one thousand Corporation Laws, bound in cloth, containing seven hundred five pages cost but eighty cents (.80) apiece.

### CONTRACT FOR STATE ADVERTISING.

On the 20th day of March, 1909, I advertised for proposals for State advertising as provided by the Statute, which contract was to cover the period beginning on the third Monday of April, 1909, and ending the third Monday of April, 1910.

On April 19, 1909, the Governor, State Treasurer and Secretary of State met in the Secretary of State's office and opened the following proposals:

1. The Post Printing and Publishing Company bid  $7\frac{1}{2}$  cents per line per insertion in the Denver Post; giving average weekday circulation,—55,934; average Sunday,—81,492 copies.

2. The News-Times Publishing Company bid 5 cents per line for the first insertion and 3 cents per line for each subsequent insertion in the Rocky Mountain News; giving average weekday circulation January 1 to April 1, 1909, as 31,512 copies; average Sunday circulation for the same time as 57,902.

3. The Republican Publishing Company bid .0195 cents per line for the first insertion and .0295 per line for each subsequent insertion in the Denver Republican; giving average daily circulation of 40,046 copies (giving no Sunday circulation), and their statement was not sworn to.

After careful consideration of the proposals as above, and taking into consideration responsibilities of the editors and general circulation of the newspapers, so bidding, as determined by the sworn statements of the managers thereof, the contract was awarded to the News-Times Publishing Company for 5 cents per line for the first insertion, and 3 cents per line for each subsequent insertion.

On the 19th day of last March, I again advertised for proposals for State advertising for the period from the third Monday in April, 1910, to the third Monday in April, 1911.

At a meeting of the Governor, State Treasurer and Secretary of State, held on the 18th day of last April, the following proposals were opened:

The News-Times Publishing Company bid 5 cents per line for the first insertion and 3 cents per line for each subsequent insertion, giving daily average circulation of the Rocky Mountain News from January 1, 1910, to April 1, 1910, as 20,644 copies, and average Sunday circulation for the same time as 57,945.

The Post Printing and Publishing Company bid for the first insertion 5 cents per line; second or subsequent insertions 5 cents per line per insertion, giving the circulation of the Denver

Post for the past twelve months ending February 28, 1910, average weekday 56,661, for the Sunday,—82,388 copies. The average weekday for February, 1910, as 62,477 copies; the average Sunday circulation for February, 1910, as 83,494.

The contract was awarded to the News-Times Publishing Company, being considered the lowest bidders.

#### CONTRACT FOR STATIONERY AND SUPPLIES.

On the 15th day of last November, pursuant to Statute, the Secretary of State advertised for proposals to furnish stationery and other supplies, for the period of two years, for legislative and executive departments and Supreme Court of the State, commencing the first day of January, A. D. 1911.

On December 20th, at 2:00 o'clock, the proposals were opened in the presence of the Governor and State Treasurer, there being but two; one from the W. H. Kistler Stationery Company, and the other from the Smith-Brooks Printing Company; there were ten sheets of the specifications which were gone over and it was discovered that one firm was high on some things and the other was low, and vice versa, so it was decided to award the contract by division, giving half to each company where equal, and the low bid for the supplies to that company lowest.

It has been the practice for many years to award the contract to that company or firm submitting the lowest bid, as a whole, but it was thought best this time to take advantage of all low prices, as we had a clear right to do under the advertisement for these supplies.

#### PUBLIC PRINTING.

I desire to call your attention to the fact that every session of the Legislature enacts statutes providing for publications and printing, and that the amount required from the State revenue for publications, printing and printed matter is now appalling.

Should there be many laws submitted by the Initiative and Referendum, the cost of the publication as now provided for would in itself be enormous.

A halt must be called on this method of giving notice to the public and some more economical plan devised, or, in a few years more, at the rate we are going, it will require the major part of the revenue of the State to pay the bills.

The great quantity of printing and printed matter necessary, would suggest to a business man the advisability of the State establishing a State printing concern, and get all this work done at first cost. I believe it can be shown that a State printing office, properly managed, at a cost of \$50,000, would practically pay for itself in a biennial period.

I have already in this report given examples of the great waste in printing and printed matter, due to statutes which permit and require to be printed twice the number of books, reports, etc., as are necessary and can be disposed of.

I do not criticise past legislatures for authorizing this surplus printing, as they, no doubt, obtained false information from some source, or their attention had not been called to the piles of matter in excess of that necessary, stored in the sub-basement of the Capitol, nor had they been informed as to the quantities which have been burned in past administrations to make space for more valuable matter.

It has been the practice in most instances, not only to authorize too large a quantity, but also to permit the use of too expensive material.

There does not appear to be any reason why the various departments of the State of Colorado should not be managed along the same lines as a commercial enterprise, where great attention is paid to all details, resulting in economy, efficiency and effectiveness in the operation of the business of their establishments. If a mercantile or any other character of business concern had been conducted by the same method (or lack of method) as seems to have prevailed in the management of the business of the State, it would very likely be in the hands of a receiver inside of a year.

Great progress has been made by inventions and improved machinery in every character of business of a manufacturing nature. The business of printing and book-binding is no exception to the rule, and there is no valid reason why the State should not be able to get its work done at the same price, purchasing the same quantity and using the same quality of goods, as would be obtained by any large corporation or company of a commercial character.

Greater attention paid to this subject would result in the saving of many thousands of dollars to the State of Colorado.

During the past two years in this office, systematic effort has been made to reduce the cost of books, blanks and publications of all descriptions used in the transaction of the business of this Department and many dollars have been saved to the State by exercising great care relative to these matters in the quality and quantity necessary.

In ordering the supplies and having the printing done for the coming Eighteenth General Assembly, we have been very careful to make an estimate of the quantity necessary.

We have also ordered the work done in such a way that should there be a surplus it can be used by the next General Assembly.

Where the practice has been to write out the year "1910" or "1911," we have had printed just "19. . . ." for the remaining portion to be filled in. Also instead of having the heading

printed "Eighteenth General Assembly," we have just run ".....General Assembly," and the number to be filled in.

We have given every blank a form number and have adopted this practice in all supplies in use by this office or purchased through it.

We have found in the storeroom a considerable quantity of matter which can be used at this next session, and in ordering supplies that can be quickly obtained, we have greatly reduced the quantity as compared with previous orders.

It has been the practice to order for a General Assembly forty thousand  $6\frac{3}{4}$  envelopes embossed, for the House, and forty thousand of the same kind for the Senate, and we now have in the supply room about thirty thousand of these House envelopes and about thirty-five thousand of the Senate, and therefore we have only given our order for ten thousand for the House and five thousand for the Senate.

It has also been the practice to order seventy-five thousand letter heads for the House and thirty-five thousand for the Senate.

We have reduced the number this year to ten thousand for each, and will take our chances on having plenty of writing material of the proper sort always on hand for our Solons.

These are but a few instances of our methods in handling such matters.

#### LEGISLATIVE PRINTING.

The Legislature of 1909 made the following provision in the General Appropriation Bill, Legislative Department, for certain expenses, viz.:

"Section 41. For the per diem and mileage of members of the Seventeenth General Assembly, the per diem of officers, clerks, sergeants-at-arms, pages, janitors, chaplains and other employes for the Seventeenth General Assembly, there is hereby appropriated the sum of one hundred thousand dollars (\$100,000.00) or so much thereof as may be necessary.

"Section 42. For printing required by the Seventeenth General Assembly, for the years 1909-10, viz.: House and Senate bills, calendars, roll calls, reports, letter heads, envelopes, rules, bill covers, engrossing blanks, session laws of the Seventeenth General Assembly, House and Senate Journals of the Seventeenth General Assembly, the sum of twenty thousand dollars (\$20,000.00) or so much thereof as may be necessary.

"Section 43. Checking, copying, indexing and compiling House and Senate Journals and Session Laws, for the Seventeenth General Assembly, there is hereby appropriated the sum of two thousand dollars (\$2,000.00) or so much thereof as may

be necessary to be expended under the direction of the Secretary of State.

"Section 44. For supplies and incidental expenses of the Seventeenth General Assembly, the sum of ten thousand dollars (\$10,000.00) or so much thereof as may be necessary."

The amount provided for by these four sections, aggregating \$132,000, was thrown together in one account by the Auditor and vouchers from the Legislature honored thereon, and warrants issued on the State Treasurer to the full amount of \$132,000, excepting a small balance, amounting to about \$500.

After we had compiled the Session Laws, House and Senate Journals of the Seventeenth General Assembly, and they had been printed by the publishing company, they refused to deliver them for the reason that there was no money left in the fund to pay for them, and we were informed that the delivery would not be made until some arrangements were made for the payment of the account.

This office, for the purpose of saving several hundred dollars which it was the practice to expend in past administrations in having advance sheets printed and issued before the completion of the publication of Session Laws, had made extraordinary efforts in compiling and turning into the hands of the printer a copy for the same, several weeks prior to the accustomed time, but for the reason that these books were tied up in the printing office and would not be delivered without payment, a month or more was lost before the Auditor and Auditing Board finally determined to settle the claim, which was done by the payment of the sum, to the amount of \$2,629.44 out of the emergency fund.

In order to avoid such trouble in the future, I would suggest that the amount appropriated for the printing of the House and Senate Journals and Session Laws, be separately specified in the General Appropriation Bill, and that separate accounts be kept thereof by the Auditor, and that those amounts be protected and applied to the payment of the claims for which they are intended.

### CONSTITUTIONAL AMENDMENTS.

Before the past election there were five constitutional amendments to be published, according to the requirements of article XIX, section 2, measuring 78½ inches in type. These amendments were:

1. Amendment to section 1, article 5, concerning Initiative and Referendum.
2. Amendment to section VI, article 5, concerning compensation of members to the General Assembly.
3. Amendment to section V, article 8, concerning State University.

4. Amendment to section IX, article 9, concerning the State Board of Land Commissioners.

5. Amendment to section III, article II, concerning Funding State Warrants.

The acts providing for four of these amendments, viz., concerning compensation of members to the General Assembly, State University, State Board of Land Commissioners and Funding State Warrants, were passed by the 1909 General Assembly, and that for the Initiative and Referendum by the Extra Session, it being the first on the list in the Governor's call for consideration.

In my judgment, no more important amendments have been submitted to the people of this State than were submitted and voted on at the last election.

Three of the greatest importance, viz., the Initiative and Referendum, which provides for the people to make their own laws; the amendment creating a State Land Board Commission, which gives that board the custody of 3,500,000 acres of State land; and the amendment Funding State Warrants, which increases our bonded indebtedness to \$2,115,000.00.

Repeated attempts have been made with Legislatures of the past sixteen years to pass an act submitting a constitutional amendment for the Initiative and Referendum, all of which failed until the Extra Session of the Seventeenth General Assembly. The act providing for Funding State Warrants was submitted to the voters at the 1907 election; it was also submitted by an act of the Legislature of 1893, and the cost of publishing it in one hundred and forty newspapers of the State was \$26,000. Again it was submitted by the Legislature of 1895, the publication in sixty-six newspapers costing \$5,007.20.

That part of the Constitution which provides for the submission of constitutional amendments now limits their publication to one newspaper in each county. These five amendments, measuring 78½ inches in type, were run according to requirements in fourteen dailies, one semi-weekly, and forty-five weekly newspapers, there being sixty counties in which to make said publication.

The indebtedness incurred on this account was \$26,620.30, for which amount vouchers are outstanding in the hands of the newspaper proprietors who did this work, and it will be necessary for the General Assembly of 1911 to appropriate this sum, that these vouchers may be presented to the State Auditor for a warrant on the State Treasurer in payment therefor.

#### REVISED STATUTES 1908.

We have now stored in the vaults thirty-three hundred and ten of the Revised Statutes of 1908, which were compiled and published under an act of the General Assembly of 1907, which provided for an appropriation of \$21,000.00 to pay for same.

The Secretary of State was required to have printed five thousand copies of this work, and they were charged to him at seven and fifty hundredths dollars (\$7.50) apiece, after providing for a limited distribution to certain public officials.

We have disposed the past year of two hundred copies. Since the compilation of these statutes, we have had one regular and one extra session of the Legislature and one regular session at hand, which will soon make three sessions since this compilation. Within a few years there will be a demand for a revision, and from the best information obtainable, I am of the opinion that twenty-five hundred copies of this expensive edition would have supplied all demands until such time when a new compilation and revision was necessary.

After a few years, if no effort is made to dispose of these books, the quantity of useless printed matter will be increased in the sub-basement by about twenty-five hundred 1908 Revised Statutes to take up the space and serve as an object-lesson to future administrations as to the extravagance of the State government in the matter of public printing.

I would recommend that the law providing for the distribution of this work be so amended as to authorize the Secretary of State to furnish every clerk of the District Court and every justice of the peace in Colorado with a copy; and to advertise in a judicious way that these books are for sale.

### SESSION LAWS.

Some time after going into office I inspected the sub-basement where all surplus Session Laws, printed matter and miscellaneous material have for many years been stored.

I found an indiscriminate mass, the accumulation of years, stacked in a haphazard manner, together with great quantities of useless trash, which in no event could possibly be of any use to any one, and only served to occupy space and create a dangerous condition from liability of fire.

Not having sufficient clerical assistants in the office, all clerks having been worked overtime on account of the flat tax, I could do nothing in the way of straightening out the sub-basement until the past several months, during which time some employes have been separating the trash from the printed matter of any value and consigning it to the furnace.

The Session Laws of the various years were stacked separately and in systematic order, and we find that there is now in that sub-basement, roughly estimated, about seventy-five thousand dollars' worth of such printed matter. This accumulation is largely due to the provisions contained in section 37, page 402, Session Laws, 1903, wherein the Secretary of State is required to publish five thousand copies of the laws passed at each session, which is twice the number required.

This section of the statute should be amended to read: " \* \* \* and the number of copies to be published shall be twenty-five hundred. But if, in the judgment of the Secretary of State, more copies are required, that number may be increased not to exceed five thousand copies."

In order that we may dispose of this vast quantity of printed matter, and realize something out of it, I would recommend that the General Assembly authorize the Secretary of State to sell any Session Laws prior to that of the 1909 issue, at fifty cents (.50) per copy, as I feel many attorneys and others would purchase the Session Laws if they could be had at that price, otherwise, in time, this large bulk will have to be burned in order to make room for more valuable material.

#### CAPITOL BOARD.

Since having charge of this Department, I discovered that several statutes were effective, requiring the Secretary of State as custodian of the State Capitol to perform the various duties which for many years past have been attended to by the Secretary of the Board, created for the purpose of constructing and furnishing the building. I looked into the matter and after some investigation concluded that it was a duty incumbent on me to take some steps to place myself in a position to fulfill the duties of such custodian, or at least to determine who should perform them.

With this in view I addressed a letter to Hon. John T. Barnett, Attorney General, and not only herewith submit a copy of this letter, but other matters for your information which fully explain the status of that board, together with a copy of a letter addressed to your Excellency, under date of July 13, 1910, since which time I have taken no further action.

June 3, 1910.

HON. JOHN T. BARNETT,  
Attorney General,  
Capitol Building.

Dear Sir—In view of the fact that Governor John F. Shafroth has repeatedly announced that it is his purpose to call an extra session of the Legislature, and that it will be necessary to see that the Legislative apartments are in suitable condition for such session, and, further, in view of the fact that it is made the Secretary of State's duty to attend to that matter in the following language of the statutes, page 1444, section 6167, Revised Statutes of Colorado, 1908:

"That it shall be the duty of the Secretary of State to procure suitable apartments for the Supreme Court and the legislative and executive departments of the State, and to have the same supplied with such furniture and other articles as may be required."



Therefore, for the reasons above set forth, I desire your opinion as to whether or not, under the present laws of the State, the Secretary of State is responsible for, and should see that said apartments are, in proper and suitable condition, and the necessary provisions made for the extra or any regular session of the Legislature.

I also desire to call your attention to section 5156 of the Revised Statutes of 1908, referring to the duties of the Secretary of State, which reads as follows: "Shall have custody of State property. Section 11. He shall have the charge, care and custody of the property of the State when no other provision is made."

Also section 451, on page 272 of said statutes, which reads as follows: "Board of Capitol Managers—Duties—Section 1. That there is hereby created a board of capitol managers for the purpose of supervising and directing the construction, completion and furnishing of the State capitol building for the State of Colorado, and laying out, improving and ornamenting the grounds thereof, at the city of Denver. The said board shall consist of five members, to wit: The Governor of the State, John L. Routt, Otto Mears, C. J. Hughes and Job A. Cooper, and the Governor shall be chairman of said board, and shall have the power to fill all vacancies. Said board shall continue until the entire completion and furnishing of said capitol building, and shall announce by proper proclamation the same as accepted by and through the board in behalf of the State, and hereafter the said board shall cease to exist, except for the purpose of suing or being sued in relation to matters growing out of the subject hereby committed to its charge."

It appears to me from what I can read in the statutes that the duties of the board of capitol managers became extinct when the capitol was completed and furnished and should have been so proclaimed.

Your opinion is requested so that I may know what my duties are in the premises and properly perform them.

Yours very truly,

(Signed) JAMES B. PEARCE,  
Secretary of State.

Denver, Colorado, July 1, 1910.

HON. JAMES B. PEARCE,  
Secretary of State,  
Denver, Colorado.

Dear Sir:—Replying to your inquiry as to your duties in the matter of making preparation for the extra or any regular session of the Legislature, under the section 6167 of the Revised Statutes, 1908, and as to the status of the board of capitol managers in the matter, I beg to say that, as you are aware,

the act of 1897 creating the board, provided that it shall "continue until the entire completion and furnishing of said capitol building, and shall announce by a proper proclamation the same as accepted by and through the said board on behalf of the State, and thereafter the said board shall cease to exist except for the purpose of suing or being sued in relation to matters growing out of the subject hereby committed to its charge."

As will be seen by the above quotation from the statute, the existence of the board terminates by the operation of the law whenever the capitol building is entirely completed and furnished.

The biennial report of the State board of capitol managers to the Fifteenth General Assembly, dated December 1, 1904, states that the following is the unfinished work on the capitol:

1. Statuary for dome.
2. Gilding of dome.
3. Painting metal roof line of dome.
4. Refilling and revarnishing all interior woodwork.
5. Decorating walls and ceiling, basement floor in a plain manner, the former painted in oil, the latter in water colors.
6. Metal floor top story of dome.
7. Metallic vault furniture.

The report further states:

In order to proceed with the work enumerated, the board urges upon the Legislature the necessity of making the required appropriation as soon as practicable, to enable the board to let the contracts.

"The board further desires to call your attention to the fact that this will absolutely end the demand for further appropriation from the State on account of construction, and, with no unfortunate delay will enable the board to fulfill all the requirements of the original plans and specifications and complete the building within the next two years."

If this report correctly states the work to be done to finish the building and its furnishing, the existence of the board is to be determined by ascertaining whether or not such work has been done.

There seems to be no ambiguity in the law, and the question is to be determined by the fact, as above stated.

Yours very truly,

(Signed) JAMES H. TELLER,  
Assistant Attorney General.

Expended, \$50,678.00.

Chapter 25.

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APPROPRIATION.

State Capitol Building.

(S. B. No. 213, by Senator Ballinger.)

AN ACT

MAKING AN APPROPRIATION FOR THE COMPLETION OF THE STATE CAPITOL BUILDING, AND TO PAY FOR SPECIAL IMPROVEMENTS SURROUNDING THE GROUNDS HERETOFORE MADE, OF THE STATE OF COLORADO, AND AUTHORIZING THE ISSUANCE OF CERTIFICATES OF INDEBTEDNESS IN PAYMENT FOR LABOR AND MATERIAL USED IN THE COMPLETION AND IMPROVEMENTS THEREOF.

*Be It Enacted by the General Assembly of the State of Colorado:*

Section 1. There is hereby appropriated out of any moneys in the treasury, being funds collected by levy or otherwise, for the completion of the State capitol, and from such other funds as make part of what is known and styled as the "Capitol Building Fund," and not otherwise appropriated, the sum of fifty thousand, six hundred and seventy-eight and fourteen one hundredths dollars (\$50,678.14) or so much thereof as may be necessary.

It is hereby provided that this sum is hereby appropriated for the purpose of equipping the vaults of the different departments with metal fixtures and furnishings, painting all metal from roof line to dome, and for the purpose of purchasing and putting in place in the Senate Chamber a stained glass window containing the life-sized portrait of the late Senator Edward O. Wolcott, and for all the expenses of placing all stained glass windows in said Senate Chamber, refilling and revarnishing all interior woodwork, painting walls and ceilings and basement floor, and making such other improvements as may be deemed advisable by the board of capitol managers.

Sec. 2. The Auditor of State is hereby authorized and directed to issue certificates of indebtedness for all claims duly audited and certified by the board of capitol managers for material furnished and labor performed in and about the completion and improvements of said building; when there are no funds in the treasury at the time of the issuance thereof to meet the same, said certificates of indebtedness to be payable out of the capitol building fund and out of the moneys appropriated for the completion and improvements of said capitol building.

The faith and credit of the State of Colorado is hereby pledged for the payment of interest and the principal of this indebtedness, and it is further provided that the said certificates of indebtedness shall be presented to the State Treasurer, who shall thereupon countersign and indorse the same as bearing interest at the rate of five per cent (5 per cent) per annum from the date of payment thereof; but in no event shall the certificates be in excess of the appropriations made for the completion and improvements of said building.

Sec. 3. On the tenth day of each and every month, if there be funds in the treasury to pay any certificates of indebtedness provided for in the foregoing section, the Treasurer of State is hereby required and directed to give notice by advertisement in a newspaper published in the city of Denver, designating the certificate by number, in order of their presentation to the State Treasurer and endorse thereon which the funds in the treasury will pay. At the expiration of thirty days from the date of the last insertion, interest on the certificate so named as being payable shall cease.

Sec. 4. All acts and parts of acts inconsistent with the provisions hereof are hereby repealed.

Sec. 5. In the opinion of the General Assembly an emergency exists with regard to the matters provided for in this bill, and therefore this act shall take effect and be in force from and after its passage.

Approved April 6, 1905.

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## Chapter 36.

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### APPROPRIATION CAPITOL BUILDING.

(H. B. No. 282, by Mr. Cannon.)

#### AN ACT

MAKING APPROPRIATION FOR THE COMPLETION OF THE CAPITOL BUILDING AND FOR THE NECESSARY IMPROVEMENTS IN THE BUILDING AND ON THE SURROUNDING (SURROUNDING) GROUNDS.

*Be It Enacted by the General Assembly of the State of Colorado:*

Section 1. There is hereby appropriated, out of any moneys in the Treasury, being funds, collected by levy or otherwise for the completion of the State Capitol, and from such other funds as make part of what is known as the "Capitol Building Fund," and not otherwise appropriated, the sum of seventy-three thousand, nine hundred and seventy, and thirty-seven one hundredths

dollars (\$72,970.37), or so much thereof as may be necessary, as follows:

For a statute for the dome.

For painting all metal, from roof line to dome, and for metal floor for upper story dome.

For paving walks adjoining capitol grounds, viz., on Colfax avenue, Broadway, Fourteenth avenue and Grant avenue, with cement paving, 181,500 superficial feet.

For shields for radiators throughout the building.

For freight elevator from basement to sub-basement.

For repairing the roof valleys and putting entire roof in good and safe condition.

For renewing the electric wires in the grounds of the capitol.

For an artesian well to irrigate the lawns and furnish water for the capitol building.

For replacing the red sandstone steps on the grounds of the capitol with granite steps to match the other entrances.

For balance due the city and county of Denver for street paving.

For making such other improvements as may be deemed advisable by the board of capitol managers.

Sec. 2. The Auditor of State is hereby authorized and directed to issue certificates of indebtedness for all claims duly audited and certified by the board of capitol managers for material furnished and labor performed in and about the completion and improvements of said building; when there are no funds in the treasury at the time of the issuance thereof to meet the same, said certificates of indebtedness to be payable out of the capitol building fund, and out of the moneys appropriated for the completion and improvements of said capitol building. The faith and credit of the State of Colorado are hereby pledged for the payment of interest and principal of this indebtedness; and it is further provided that the said certificates of indebtedness shall be presented to the State Treasurer, who shall thereupon countersign and indorse the same as bearing interest at the rate of five per cent (5 per cent) per annum (annum) from the date of presentation to the date of payment thereof, but in no event shall the certificates be in excess of the appropriations made for the completion and improvements of said building.

Sec. 3. On the tenth day of each and every month, if there be funds in the treasury to pay any certificates of indebtedness provided for in the forgoing section, the Treasurer of State is hereby required and directed to give notice, by advertisement in a newspaper published in the city of Denver, designating the certificates by number, in order of their presentation to the State Treasurer and indorse thereon which the funds in the treasury will pay. At the end of thirty days from the date of

the last insertion, interest on the certificate so named, as being payable shall cease.

Sec. 4. All acts and parts of acts inconsistent with the provisions hereof are hereby repealed.

Sec. 5. In the opinion of the General Assembly, an emergency exists with regard to the matter provided for in this bill, and therefore this act shall take effect and be in force from and after its passage.

Approved April 15th.

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### ANOTHER \$73,970.00 TO COMPLETE BUILDING.

Denver, Colorado, July 9, 1910.

HON. JAMES B. PEARCE,  
Secretary of State,  
Capitol Building.

Dear Sir—Upon your request, I herewith submit my report regarding the expenditures of the Capitol Managers Building Fund, as per appropriation made, by the legislative session of 1905, for the completion of said capitol building, remaining unfinished at that time, according to their report to the Fifteenth General Assembly, as follows, to wit:

1. Statuary for dome.
2. Gilding of dome.
3. Painting metal roof line of dome.
4. Refilling and revarnishing all interior floor wood work.
5. Decorating walls and ceiling—basement floor in a plain manner—the former painted in oil and the latter in water colors.
6. Metal floor top story of dome.
7. Metallic vault furniture.

For which the Legislature provided by Senate Bill No. 213, appropriating the sum of \$50,678.14, which was considered adequate to finish and complete the building. Upon examination of vouchers paid against said appropriation, I find that the account was juggled to a considerable extent in using the money for various other accounts and expenditures not mentioned in their report of unfinished work, as above stated.

I also find that in the Session Laws of 1907, House Bill No 282 provides for an appropriation of \$73,970.37 to complete the building—the objects of the appropriation being as follows, to wit:

1. Statue for dome.

2. Painting all metal from roof line to dome and for metal floor for upper story of dome.
3. Paving walks adjoining capitol grounds, viz.: Colfax avenue, Broadway, Fourteenth avenue and Grant avenue, with cement paving, 181,500 superficial feet.
4. Shields for all radiators throughout building.
5. Freight elevators from basement to sub-basement.
6. Repairing roof alleys and putting entire roof in good and safe condition.
7. Renewing the electric wires in grounds of the capitol.
8. An artesian well to irrigate the lawns and furnish water for the capitol building.
9. Replacing red sandstone steps on the grounds of the capitol with granite steps to match the other entrances.
10. Balance due the city and county of Denver for street paving.

As will be seen by the objects for which this last appropriation was made, it contains a number of items that the previous appropriation of 1905 was supposed to have been used to complete—showing the same distribution of funds as in the biennial period of two years previous. I attach you herewith the segregation of the capitol building fund as paid by the Auditor of the State on vouchers issued by the board of capitol managers upon said fund showing how and in what manner the appropriations for completing the capitol building has been used, otherwise than for which the appropriation had been made, noted by the salary paid to Architect F. E. Edbrooke as superintendent, coming from the building fund, while the secretary to the board drew his salary from the "Maintenance Fund," and the several transfers made from the "Building Fund" to the "Maintenance Fund." The following shows the complete distribution of said capitol building fund from December 1, 1904, to November 30, 1908, separated in two biennial periods as shown by Auditor's books.

## EXPENDITURE FOR CAPITOL BUILDING FUND

From December 1, 1904, to November 30, 1906.

Labor and material on steps, Colfax entrance.....	\$ 5,281.40	
Paving and repairing streets and walks, and interest on same .....	3,495.37	
Supplies for building.....	27,770.69	
Labor and decorating building.....	11,000.80	
Advertising for bids.....	139.41	*
F. E. Edbrooke, architect, superintendent of building, salary .....	2,200.00	
	<hr/>	

\$50,250.17

Appropriation Bill No. 213, April 6, 1905 (Senate).....	\$50,678.14	
Balance on hand December 1, 1904.....	9,113.85	
Appropriation April 14, 1905.....	50,678.14	
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Expended as above .....	\$50,250.17	\$59,791.99
Transferred to "Maintenance".....	4,540.37	
Balance December 1, 1906.....	5,001.45	
	<hr/>	
		\$59,791.99

EXPENDITURES ON CAPITOL BUILDING FUND  
From December 1, 1906, to November 30, 1908.

Artesian well .....	\$ 7,396.30	
Roof and gutters .....	8,726.62	
Freight .....	9.30	
Insurance .....	3,891.68	
Mineral collections .....	2,500.00	
Fourteenth avenue steps.....	5,860.00	
Elevator .....	1,237.00	
Sewer, paving and walks.....	21,323.75	
Advertising .....	242.46	
Labor .....	3,334.73	
Vacuum cleaning plant.....	2,500.00	
Supplies .....	4,996.96	
Painting and decorating .....	10,444.00	
Material and labor on dome.....	2,105.10	
Salary, architect, F. E. Edbrooke.....	2,100.00	
Transfer made to "Maintenance Fund".....	2,303.92	
	<hr/>	
		\$78,971.82
Balance on hand December 1, 1906.....	\$ 5,001.45	
Appropriation April, 1907.....	73,970.37	
	<hr/>	
		\$78,971.82

Yours very truly,

ARTHUR W. HULL,  
Chief Accountant,  
Secretary of State's Office.

Extract from the Biennial Message of the Governor, Alva Adams, to the Twelfth General Assembly, January 4, 1899, Page 35, House Journal:

"It was expected that the capitol would be completed before your meeting. The delay has arisen from the inability of the contractor to secure the quality of marble required—he being embarrassed by the cost and time necessary to open new and



undeveloped quarries. The board has sympathized in his effort to open a new Colorado industry and has granted extensions. While the delay has been inconvenient, no injury results. To finish the structure will cost sixty-six thousand dollars, and as there remains an ample balance of unexpended appropriation, no appropriation will be needed."

Extract from the Biennial Message of Governor Chas. S. Thomas, to the Thirteenth General Assembly, January 3, 1901, Page 15, House Journal:

"During the present administration the State capitol has been substantially completed; some ornamental work is yet to be done, but in all material respects the work of construction is ended. The edifice represents the cost of about two million five hundred and seventy-eight thousand, four hundred and eighty-two dollars and seventy-eight cents, every dollar of which has been legitimately expended. I deem it a subject of congratulation that, from the day when the first stone of the foundation was laid, down to that which witnessed the last finishing touch upon its dome, no taint or suspicion of jobbery or misappropriation has ever rested upon its managers or builders; such a record is grander than the majestic outlines of its exterior, nobler than the exquisite proportions of its galleries and colonnades.

"The unfinished condition of the capitol grounds is due to the unsatisfactory character of the pavement of the walks and driveways, the subsequent change of street grades by the city, and the failure of the last General Assembly to make the appropriation necessary to bring the grades of the grounds into conformity with those of the streets, which must precede any repavement thereof. Two years ago the General Assembly withheld from the city a sum equal to the cost of this needed conformity, but failed to place that sum at the disposal of the board of managers, hence it has been unable to finish the grounds as desired. The estimates of the board are before you, and they should be accepted and acted upon during your session."

Extract from the Biennial Message of the Governor, James B. Orman, to the Fourteenth General Assembly, January 10, 1903, Pages 39, 40, 41 and 42, House Journal:

"The State capitol building was practically completed during the administration of Gov. Thomas, who prosecuted the work with great vigor. However, there still remained considerable work to be done in the way of finishing touches. This building now represents a cost of two millions, five hundred and ninety-three thousand, seven hundred and sixty-eight dollars and thirteen cents. It became necessary during the past two years to make a large number of improvements on and about the building. In my judgment, it is a matter of supreme importance that a fund be provided for contingencies, which are continually aris-

ing; it is impossible to foretell at what moment something may occur that will require the expenditure of some money, and the board should have at its disposal a fund of this character to be used in such emergencies. It would greatly facilitate the work of maintaining the building, and would materially lessen the expense, for the reason that immediate steps could be taken which would prevent excessive damage which might accrue when the board is compelled to await the convening of the Legislature and its pleasure in the matter of appropriation."

Extract from the Biennial Message of Governor James H. Peabody to the Fifteenth General Assembly, January 5, 1905. Pages 22-23, House Journal:

"During the last biennial period there has been more or less intimation that the State board of capitol managers should be abolished. In this connection, it is well to call your attention to the fact that the law provides that when the State capitol building is completed, the Governor shall issue his proclamation accordingly, and thereafter the board of capitol managers cease to exist. This would have been accomplished during the last biennial period had the Fourteenth General Assembly made an appropriation of sufficient amount to have completed the capitol building, but there still remains unfinished of the original plans and specifications of the building the statue upon the dome, the gilding and painting of the dome and roof, and metal floor and top story of the dome and metallic vault furniture; this latter item is one of great importance to this State, and seems to me to be one of absolute necessity, and I recommend that in view of the recommendations made by the board of capitol managers to your honorable body, to which I beg to call your attention, that a sufficient appropriation be made, to fully complete the capitol building under its original plans and specifications, and which will enable the board to complete the building during the ensuing two years."

Extract from the Report of the Board of Capitol Managers to the Twelfth General Assembly, December 1, 1898:

"There remains unexpended appropriation for building, sixty-seven thousand five hundred dollars and seventy-six cents; this amount, according to the estimates of the supervising architect, will be sufficient to complete the unfinished work, providing the Auditor will be authorized by the Legislature to transfer the amount of forty thousand two hundred and sixty-eight dollars and thirteen cents now to the credit of the marble appropriation to the general building appropriation."

Extract from the Report of the State Board of Capitol Managers to the Thirteenth General Assembly, December 1, 1900:

"Referring to the unfinished work upon the building as set forth in our last biennial report, we are pleased to state that, with the exception of the dome statuary and metal floor and top story of the dome, all work has been completed."

Extract from the Biennial Report of the State Board of Capitol Managers to the Fifteenth General Assembly, December 1, 1904:

"As stated before, owing to the fact that no appropriation was made by the last General Assembly to complete the building, no contract could be let for that purpose, during the period covered by this report. The following unfinished work consists of:

1. Statuary for dome.
2. Gilding of dome.
3. Painting metal roof line of dome.
4. Refilling and revarnishing all interior wood work.
5. Decorating walls and ceiling, basement floor in a plain manner, the former painted in oil, the latter in water colors.
6. Metal floor top story of dome.
7. Metallic vault furniture.

In order to proceed with the work enumerated, the board urges upon the Legislature the necessity of making the required appropriation as soon as practicable, to enable the board to let the contracts.

The board further desires to call your attention to the fact that this will absolutely end the demand for further appropriation from the State on account of construction, and with no unfortunate delay will enable the board to fulfill all the requirements of the original plans and specifications and complete the building within the next two years.

July 13, 1910.

HON. JOHN F. SHAFROTH,  
Governor,  
Capitol Building.

Dear Sir—I herewith transmit for your consideration:

1. A copy of a letter addressed to Hon. John T. Barnett, Attorney General, dated June 3, 1910, asking for an opinion as to the legal status of the board of capitol managers.

2. Hon. John T. Barnett, Attorney General's opinion addressed to the undersigned as Secretary of State, dated July 1, 1910.

3. A copy of Senate Bill No. 213, 1905 Session Laws, making an appropriation for the completion of the State Capitol Building, etc.

4. A copy of House Bill No. 282, Session Laws 1907, making an appropriation for the completion of the Capitol building, etc.

5. A copy of a report addressed to the undersigned as Secretary of State, made to me at my request by the Chief Accountant of the Secretary of State's office, after, under my instructions, he had checked those two appropriations passed by the Legislature for the completion of the Capitol Building.

I respectfully call your attention to the Attorney General's opinion wherein he uses the following language:

"As will be seen from the above quotation from the Statute the existence of the board terminates by operation of law whenever the Capitol Building is entirely completed and furnished.

"The Biennial Report of the state board of Capitol managers to the Fifteenth General Assembly, dated December 1, 1904, states that the following is the unfinished work on the capitol:

1. Statuary for dome.
2. Gilding of dome.
3. Painting metal roof line of dome.
4. Refilling and revarnishing all interior wood work.
5. Decorating walls and ceiling, basement floor in a plain manner, the former painting in oil, the latter in water colors.
6. Metal floor top story of dome.
7. Metallic vault furniture.

The report further states:

"In order to proceed with the work enumerated, the board urges upon the Legislature the necessity of making the required appropriation as soon as practicable to enable the board to let the contracts.

"The board further desires to call your attention to the fact that this will absolutely end the demand for further appropriation from the State on account of construction, and with no unfortunate delay, will enable the board to fulfill all the requirements of the original plans and specifications and complete the building within the next two years."

If this report correctly states the work to be done to finish the building and its furnishing, the existence of the board is to be determined by ascertaining whether or not such work has been done.

"There seems to be no ambiguity in the law, and the question is to be determined by the fact, as above stated."

Upon receipt of this opinion, I directed my Chief Accountant, Mr. Arthur W. Hull, to thoroughly go into and check all disbursements of the appropriation, Senate Bill No. 213, of

\$50,678.14, which was, in the language of the board, to "*absolutely end the demand for further appropriation from the State on account of construction,*" also House Bill No. 282, of 1907 for \$73,970.37 for the completion of the Capitol Building, Session Laws of 1907.

Mr. Hull's report shows that of the appropriation of 1905, amounting to \$50,678.14, \$4,540.37 was transferred to the "Maintenance Fund," although several things for which the money was appropriated were left undone, and those items again included in appropriation bill No. 282, for \$73,970.37 of the Session of 1907.

This check of the two appropriations conclusively determines that all work to complete the Capitol Building in accordance with their own report to the Legislature made under date of December 1, 1904, was actually done and paid for, and that there was a balance remaining which was transferred to the Maintenance Fund of \$2,303.92.

In view of the matters above set forth, and giving the weight to the Attorney General's opinion to which it is entitled, he being the constitutional legal advisor of the executive officers and various departments of State government, it would appear that the board of capitol managers created by the Legislature in 1897 has ceased to exist by operation of law and that at this time the Secretary of State is the legal custodian of the property. That being true, under my oath of office, I cannot refuse or shirk any duties or obligations placed on me as Secretary of State by the Statutes, and I would ask that you and your associates take this subject up with all convenient speed and dispose of it in such manner that will meet the demands of the Statute, so that the undersigned will be placed in a position to perform all the functions of the office to which he was elected.

Yours very truly,

(Signed) JAMES B. PEARCE,

Secretary of State.

JBP|GAC.

#### AUDITING BOARD.

It is the practice of the Legislature to include in the General Appropriation Bill a provision constituting a new department, known as "State Auditing Board."

Several Attorney Generals of the past have given warning as to the unreliability of this Act, for the reason of it being a part of the General Appropriation Bill, its constitutionality being very questionable.

I would suggest to your Excellency the advisability of the enactment of a separate statute from the General Appropriation Bill, creating a "State Auditing Board," and would also suggest that as the Secretary of State is the purchasing agent of the State, he should be made a member of such Board, as he would be

at hand to participate in the deliberations of that Board and would be possessed of detailed knowledge growing out of his business to purchase supplies, which would be of benefit in many instances.

### ELECTION LAWS.

For many days after each general election, there is an anxiety, growing out of delay in receiving definite information of results, not only in the minds of candidates for office, but the general public much interested are kept in a state of uncertainty by defective methods of making returns. Where the vote on candidates is close, great interest is taken in the various County Canvassing Boards, because it is well known that a few votes dropped or added here in this county or that county would either elect or defeat certain candidates. It has even been intimated since the last election that returns were held back in some counties for this purpose.

As a remedy for this condition, I would recommend that the election law be so amended that in addition to the returns now made to the county clerk, that the total vote of each candidate for a State office be entered on a blank provided for that purpose, signed by the election judges of each precinct and transmitted direct to the Secretary of State without passing through the county clerk's office, immediately after completing said count in their respective precincts; the Secretary of State being authorized to open the same and make up a list showing the total vote of each candidate in his respective county, district or State, but this count is not in any manner to be considered final nor is it to interfere with the present provisions—being an addition thereto—but is for the purpose of enabling a public officer to give to the general public authentic information and provide a check against a possibility of returns being tampered with or changed by the County Board of Canvassers. For should there be a great difference in the figures obtained direct from the election judges of each precinct, and those made by the County Canvassing Board, it would immediately suggest itself that some serious error had been made or some unlawful act committed.

### THE BOARD OF STATE CANVASSERS.

The Board of State Canvassers met in the office of the Secretary of State at the hour of 10:00 A. M., on the 3rd day of December, 1910, and proceeded to canvass the vote as provided by Statute.

Many errors were discovered in the returns from the various counties, there being thirty-one from which incorrect returns were received. These were of such a character as to indicate gross carelessness on the part of those making said returns. It is beyond our comprehension why those charged under the Statute to do this simple clerical work of such importance cannot do it with accuracy.

The law providing for the correction of errors making it necessary for the various members of the board to go to the different counties of the State for the purpose of correcting them under the conditions as existed during the past session of that board was a physical impossibility. It was decided that the best that could be done was to go to such counties where errors had been made on the Constitutional Amendments, which was done, and had we attempted any more, it could not have been accomplished.

The Statute provides that the State Board of Canvassers shall meet at 10:00 o'clock of the forenoon of the 25th day after the election; also that on the last Wednesday of December next after the election they shall canvass the votes, whether all returns be received or not.

We will suppose that in thirty-one counties where errors were made that the errors were of such character as to change the result of the election on each amendment and each officer, with the provision that those errors could only be corrected by deputizing each of its five members to go to the county clerks of the various counties and make these corrections, it is very apparent that under this condition it would have been an utter impossibility to cover the territory and have done the work, and under the strict construction of the Statute, the board would have been compelled to declare the result on the last Wednesday of December in any event, such declaration declaring amendments carried and officers elected, which if errors could have been corrected, an entirely different result would have been obtained.

This portion of the Statute should be amended, authorizing the State Board of Canvassers to appoint citizens who, under oath, could be deputized to go to the counties and make these corrections, providing proper per diem and mileage for the service.

County clerks in several instances did not use the blanks prepared by the Secretary of State and mailed to them as the law required, getting stationery from some other source; used it notwithstanding the fact that we had their receipts for the proper blanks sent from this office.

The copying of the tally sheets to be sent to the State Canvassing Board from the original in their offices in some counties indicated an entire lack of any care whatever and such unconcern on the part of those doing the work, that, if permitted to continue in this State, among such officers, will cause untold trouble in the future, and should be remedied by an amendment to the law, providing a heavy fine for such short-comings.

All the means possible should be taken to surround our elections with every safeguard. Every citizen who is entitled to vote should be permitted to do so and the votes honestly and accurately counted, but such a multiplicity of errors as the

Canvassing Board had to deal with suggests that it is possible for as much harm to come from gross carelessness as dishonesty.

This board had presented to it affidavits from Las Animas County, setting forth allegations which, if true, indicated frauds in various precincts in that county, such affidavits being presented on behalf of Frank R. Dunlavy.

The board, after fully considering the matter, determined to issue a certificate to Amos N. Parrish, notwithstanding two precedents had been established by State Boards of Canvassers in the past, where Senator Ward of Boulder County and Dr. Beshoar of Las Animas County had been elected on the face of the returns, but were refused their certificates, the same being given their Republican opponents.

This board followed the strict letter of the law. It was decided that its body was, under the Statute, merely a ministerial one, with its duty clearly defined and closely circumscribed to canvass the votes from the proper returns sent in from various counties and could not do otherwise than give the persons shown to be elected on the face of the returns their certificates of election.

Too much partisanship has been displayed in the past by Canvassing Boards, and great wrong not only committed against individuals but the people of the whole State, by Canvassing Boards and Legislatures leaving the well defined paths provided by Statute and following the crooked, miry and disreputable roads of partisanship.

#### PUBLIC ACCOUNTANT.

The Auditor of State, under the Public Accounting Act, had in this office for about six months from two to six men engaged in checking the accounts.

As to what the result of such examination was I have never been informed. I have seen some articles in the newspapers of the State relating thereto, but no recommendations, and nothing of an official character has been received from the Auditor which would give me definite information on the subject.

On Monday, the 12th day of December, the Public Accountant came to my office with several men and informed me they desired to check the accounts. I told them they had had several men in my office between six and seven months checking the past year, and as we were handling the books for the purpose of the biennial report required to be made, that I could not permit them to engage in the work.

On that day, late in the evening, I was served with what purported to be a *subpoena duces tecum*, issued by the Public Accountant, notifying me to bring all books, papers and documents of every description and character to the Auditor's office the next morning at 9:00 o'clock for investigation.



To this purported *subpoena duces tecum* I paid no attention whatever, considering that the Public Accountant nor the Auditor of State under the present Constitution and statutes could require the Secretary of State to remove his office and all the valuable records, documents, etc., to the office of the Auditor of State or anywhere else. This the courts do not attempt to do.

With all due respect to the department of the Auditor of State, I wish to inform your Excellency that I am of the firm opinion that the accounts of this office have not been properly or completely checked, but I could see no valid reason why the last two or three weeks of this biennial period we should be interfered with and hampered in closing up our work when we will have all of next year for the Public Accounting Department to work to their entire satisfaction in this office in checking the same.

I know full well that the Flat Tax Department alone, which was worked on by my office force for a period of thirteen months, at times having practically the whole force working overtime in that Department, could not have been checked, together with the General Accounts, in the length of time and the class of help employed by the Public Accountant.

The General Assembly of 1907 enacted a Statute creating a State Board of Accountancy, and to regulate Public Accountants; it empowered the Board, after applicants had passed a satisfactory examination, to issue to such persons a Certificate as Public Accountant, and thereafter such persons were styled and known as "Certified Public Accountants."

The purpose of this Act was to provide the business world, both public and private, with competent and reliable accountants.

If there was a demand in this State for the creation of that Board for this purpose, the State Government itself should recognize its merits and the great advantage and importance of having competency and reliability in such work.

Therefore, I recommend that the Public Accountant Act be amended:

First. Require all the State Examiners to be citizens of Colorado.

Second. That both the Public Examiner and State Examiners, as a necessary qualification for appointment to these positions, be certified public accountants.

The fact that it was deemed necessary in the Canon City investigation to employ the Continental Auditing Company, at an extra expense of from four to five thousand dollars, can be construed as an admission of my contention that the Public Examiner and his State Examiners should be required to pass a proper examination.

In the opinion of the writer, the Public Accounting Department when wisely, judiciously and fairly handled in a non-partisan way, is one which will redound greatly to the benefit of all

departments in the State Government. Yet, if used in a partisan manner can be transformed into a machine of persecution and used for the purpose of rewarding the friends of those in charge and punishing their enemies.

Something should be done at once to provide against the abuses of the power now lodged with the Public Accountant. If one administration succeeds another of different political faith, there is danger of this Department in its present status becoming a vehicle of retaliation one party against the other for political purposes and the object for which it was created lost and untold harm done where good was intended.

### APPROPRIATIONS.

In considering this subject, I desire to again call your Excellency's attention to the great amount of extra work done out of hours, overtime, with no extra pay by my assistants in this Department, during the past biennial period. Most satisfactory results have been obtained as the fruit of this extra service. There were times when for periods of several months five to six clerks could have been used to great advantage and the revenue of this office increased tenfold, over and above their salaries, had we had the appropriation to have paid for their employment.

By reason of the constitutional amendment, the Initiative and Referendum and that of the Direct Primary Law, work in this office during the last year of the next biennial period will be greatly increased, necessitating considerable more help, as well as require greater expenditure for incidentals. It can be anticipated that the general business of this office will also increase. We can reasonably expect that the next General Assembly will pass a portion of the laws recommended in this report, and that other bills will be introduced that may become laws, all of which will necessitate more clerical assistants. Good business judgment should be exercised, and, where additional help will produce increased revenue greatly in excess of its cost, appropriations should be made permitting such actions to be taken by the head of this Department.

In view of the foregoing I would recommend that, to provide for the incidental and contingent expenses, including printing, postage, stationery, telephone, telegraph, express and miscellaneous items, there be appropriated for the Secretary of State' office the following:

Incidental and contingent expenses, Secretary of State.....			\$18,000.00
For salaries as follows:			
	1911	1912	
Secretary of State.....	\$ 4,000.00	\$ 4,000.00	\$ 8,000.00
Deputy Secretary of State.....	2,500.00	2,500.00	5,000.00
Chief clerk .....	1,800.00	1,800.00	3,600.00
Bookkeeper .....	1,800.00	1,800.00	3,600.00
Utility clerk .....	1,500.00	1,500.00	3,000.00

Cashier .....	1,500.00	1,500.00	3,000.00
Index clerk .....	1,500.00	1,500.00	3,000.00
Chief brand clerk.....	1,500.00	1,500.00	3,000.00
One clerk, brand department.....	1,200.00	1,200.00	2,400.00
Chief clerk, flat tax.....	1,500.00	1,500.00	3,000.00
Four clerks, tax department.....	4,800.00	4,800.00	9,600.00
Clerical assistants .....	14,400.00	14,400.00	28,800.00
Total salaries .....			\$ 76,000.00
Deputy Labor Commissioner.....	\$ 2,500.00	\$ 2,500.00	\$ 5,000.00
Deputy Labor Commissioner, traveling exp...	500.00	500.00	1,000.00
Free employment bureau, Denver.....	1,200.00	1,200.00	2,400.00
Assistant superintendent .....	1,000.00	1,000.00	2,000.00
Free employment bureau, Colo. Springs.....	1,200.00	1,200.00	2,400.00
Assistant superintendent .....	1,000.00	1,000.00	2,000.00
Free employment Bureau, Pueblo.....	1,200.00	1,200.00	2,400.00
Assistant superintendent .....	1,000.00	1,000.00	2,000.00
Total of salaries.....			\$ 95,200.00
To which we add incidental expenses.....			18,000.00
			\$113,200.00

When we consider that the past biennial period produced for the State \$503,745.04, which is about 22 per cent. of that amount, and that a great portion of the expenses incurred by this Department is not office expense, but for printing the Supreme Court Reports and election material, which are for the State generally, it is not at all excessive, but, on the contrary, confined within very reasonable and economical limits.

### NEW INDICES.

For the proper handling of the records, instruments, documents and papers of every character and description stored in the vaults of this office, and to be able to give the general public prompt service and information, such as it demands and is entitled to, I have planned to open up new indices on improved and extended lines, which, if carried out, will entail extra expense and require a special appropriation of five hundred dollars for this purpose.

### ORGANIZED CAPITAL AND ORGANIZED LABOR.

Of all the combinations in the State Government that of the Department of Secretary of State is most peculiar.

All organizations of capital under the name of corporations who do business in the State are required to file their papers and get their authority to do business in Colorado from the Secretary of State.

As head of the Labor Department, the Secretary of State represents labor; and in Colorado, when we speak of labor, as a general rule we refer to labor that is organized. So, under this head of organized capital and organized labor, the Secretary of State is working with the greatest factors which enter into the welfare, development and prosperity of the Commonwealth.

What Colorado needs is harmony between these two divisions of the State's wealth producers, with its great undeveloped natural resources, which must have finely organized combinations of capital, with their shrewd and astute business men to manage affairs, as well as having vast armies of skilled and unskilled labor, with machinery and tools, to mine precious metals, iron and coal, construct gigantic irrigation enterprises and to build railroads into the rich, undeveloped sections, which only require a union of these two forces to bring forth this vast wealth for the uses of mankind which the Almighty has had stored in the mountains, valleys and plains until civilization should, in its advancement, be enlightened enough to put them to beneficent uses.

I have no patience with those rabid anti-corporationists, for, without this method of aggregating capital, this nation would be one hundred years back in development to what it is to-day.

It is the best plan devised by men to carry on the large business of nations, and, when properly controlled by just legislation, is the greatest influence for progress that civilization has ever known.

I have as little patience with what is known as the anti-union man, or the anti-organized labor individual, as with the rabid anti-corporationist.

If capital has a right to organize—and it undoubtedly has—labor has that same right, and I am one of those who contend that labor unions, when properly conducted, are only second in importance in the development of our State and nation to that of organized capital, both being very necessary. This being the situation, those charged with the conduct of the State Government would be untrue to their obligations did they not give their best thought and some time and attention to harmony and keeping peace in the State between organized capital and organized labor.

Strikes or labor wars are not brought about by one misunderstanding or disagreement, but is the accumulation of petty differences between wage earners and those in charge of corporations, which, if attended to at the time of occurrence by some public official clothed with proper authority, could be avoided. But this is not generally done.

The working men nurse quietly their grievances and magnify them. Those in charge of organized capital, perhaps, not being familiar with the other side of the question, consider their employers greatly wronged, and, instead of getting together, drift further apart, eventually leading to disastrous strikes, such as

the Cripple Creek war, for which the State of Colorado has recently issued \$950,000 in bonds to pay for the expense of the militia.

It is the duty of the State Government to maintain a proper labor department, which will be a clearing house for all these petty grievances, where men can lodge their complaints and have them investigated, and where the public official can bring together the contending parties and keep the slate clean.

It is also the duty of the State to see that hazardous occupations are made as safe as possible by modern appliances, and to require the preservation of health by improved sanitation.

In doing these things the State is not only protecting the best interests of the corporations as well as of the laboring classes, but it is also protecting that major interest of the hundreds of thousands of citizens who are not classed as wage earners or corporationists, but who are vitally interested in keeping the peace and having their business continue without interruption.

#### NORTHERN COAL FIELD STRIKE.

Under the Statute, the Labor Commissioner makes a separate report. I shall use some space, however, in relating to your Excellency the ex-officio Labor Commissioner's personal and individual action concerning the Northern Coal Field Strike.

April 1st of this year twenty-two hundred miners, principally employed by the Northern Coal and Coke Company, went out on a strike on account of differences between the union and the operators, the merits or demerits of which I do not propose to discuss. During the summer, charges were made by the coal operators and their attorneys against the striking miners. These charges were of such serious character that, if true, indicated that a spirit of lawlessness was abroad in the district, and that the sheriff of Boulder county was either incompetent or negligent in performing his duties.

The miners' union, through committees, denied that any of their members were violating the law, and maintained most strenuously that they were, on the contrary, using their best efforts to keep peace in the various camps, and had been so successful that the strike section was, if anything, more peaceful and quiet than when the mines were being operated on full time. After a discussion of the matter at a meeting of the Executive Officers it was suggested that the Secretary of State, being the Labor Commissioner ex-officio of Colorado, should go in person and make a careful examination of the situation.

On August 19th the Secretary of State, accompanied by his Deputy Labor Commissioner, Mr. Edwin V. Brake, and Mr. Ely M. Gross, one of the assistants in the Labor Bureau, went to Boulder, and, with Sheriff Capp added to the party, started on a tour, in an automobile, of investigation of the various coal mines and coal mine camps of the district in Boulder County. Two

days were spent in this work and ten different coal mines were visited. The mine superintendents were interviewed and interrogated fully as to the conditions at the mine and property in their respective charge. The professional and business men, likewise the town officials of the incorporated towns in the district were interviewed and asked many questions as to the conditions.

During these two days, although accompanied by Sheriff Capp, he merely conducted us to the places, but was not present when these various people were interrogated, and was not informed as to what questions were asked or given any information as to their answers.

The result of my two days of investigation was to convince me that the people of Boulder County had elected a man for the office of sheriff who was a real sheriff, and that he was fearlessly and impartially giving his time to preserving the peace, and, with the exception of a few instances of petty violations of the law, the whole district was actually more quiet and law abiding, if possible, than when all mines were operating on full time and the miners receiving full pay.

A few instances of where children cried "Scab!" at different people as they were passing by a street or alley was exaggerated into the most dangerous condition of lawlessness, and designing persons were using these instances as a basis for a demand on the Governor to send the State militia into the field to preserve order where nothing but the best of order already prevailed.

It is a well-known fact that where a large number of miners, railroad men, or those engaged in work of such character, have regular employment and money to spend, that too often a considerable portion of their wages finds its way over the bar and into the till of the saloon keepers. This expenditure results occasionally in difficulties among the men, and sometimes in crime. But during the strike in these camps the striking miners were apparently remaining at their homes or at their union headquarters. Officers of the union were exercising their best influences over the men, constantly urging them to obey the law, keep sober, and do nothing that would injure their cause with the general public, well knowing that they had everything to lose and nothing to gain by unlawful acts.

The mine operators had employed a detective agency from Virginia, whose specialty is breaking strikes. This agency had shipped in a number of gun men, who constantly went armed, and, from their general demeanor in some instances where I observed them, appeared to invite trouble. I was told by the superintendents of the various mines that they had informed these men that they should stay on the property which was being guarded, and if they did leave, it was on their own responsibility.

There were instances where some of these men would go into the towns with their arms conspicuously displayed, which served as an irritant, and was not conducive to good feeling.

Considering everything as a whole, a most remarkable condition existed throughout the district, of peace and quiet, and serves as a mile post on the long road that organized labor has traveled, profiting by many sad and disastrous experiences of lawlessness in the past, to advanced ideas of decency and higher ideals of American citizenship, and is a beacon light of hope that the time will come when organized labor and organized capital will find it profitable to give and take, and settle their troubles without the aid of gunpowder and dynamite.

One will travel through many a coal mining district in this country before he will find as high a class of citizenship engaged in the business of mining coal as was found before this strike in the northern coal fields, principally composed of English, Scotch, Welsh, Irish and American miners, with some Italians, who generally owned their homes in the little towns in the district, sending their children to the public schools, enlightened, industrious and, to a considerable extent, economical, interested in their town governments and their public institutions, many having resided in that section for a period of twenty years—such a class of men as was found in the Pennsylvania, Ohio and Virginia coal fields twenty or thirty years ago, and is seldom found working in the coal mines of any State in this year 1910.

For the last ten to twenty years a gradual change has taken place in the character of the men who mine coal. Mine operators, for some reason known to themselves, have filled their mines with a class of miners, who know little of their rights, if they be American citizens, and, if not, are too ignorant to understand or appreciate the advantage of becoming such. They are sheltered in houses built on the company's lands, in many instances surrounded by stockades or wire fences. In a body of one hundred there will probably be five or six nationalities—each clannish and suspicious of the other. They do not become enlightened, and, under the present system, it is not intended they shall. For, should they arrive at a full understanding of their rights, coal mines would cease to be human slaughter houses, and those who grow rich and fatten off of cheap foreign labor would be compelled to spend some of their wealth in making it reasonably safe for men to dig coal.

After arriving in Denver, I reported to your Excellency that it would be a crime to send the State militia into the northern coal fields, and no militia was sent.

#### FACTORY INSPECTION.

The Seventeenth General Assembly enacted what is known as the Factory Inspection Law. This bill was prepared by some of the prominent labor leaders, and its passage was worked for by organized labor and by the woman's clubs of the State.

It was prepared along the lines of similar laws in various States, where for years there had been in operation a similar

statute. The result of two years' operation of this law in this State is to prove the absolute necessity for such a law, and also to convince us that no fee should be charged for an inspection, but that the General Assembly should make a direct appropriation, providing for the salaries and expenses of inspectors and necessary incidentals in the office.

There are about 95,000 wage earners employed in factories, mills, workshops, bakeries, laundries, stores, hotels, and other places affected by this law. There are about 157,000 wage earners in the State, and very little money has ever been appropriated for the betterment of conditions where this vast army must of necessity earn their livelihood.

Over \$61,000 was appropriated by the Seventeenth General Assembly to take care of the game and fish, and only \$22,866 to look after the welfare of the 157,000 wage earners of the State. This amount was expended in the payment of salaries and the incidental expenses of the Bureau of Labor Statistics and in the support of the Free Employment offices in Denver, Colorado Springs and Pueblo.

The State of Colorado could well afford to support a factory inspection department by a direct appropriation made by the Legislature, which can be done properly for \$12,000 per year, or \$24,000 for a biennial period, to which we add \$29,600, which will be required to operate the Labor Bureau and employment offices for the next biennial period, making a total of \$53,600, which provides for a proper factory inspection department and for a proper Labor Bureau and employment offices in the cities of Denver, Colorado Springs and Pueblo, and still we are behind the Fish and Game Department in expenditure \$7,600, basing it on the appropriation given that department in 1909.

## IX CONCLUSION.

In conclusion I desire to pay tribute to your Excellency's statesmanship, uniformly demonstrated by good judgment while under fire the past many months, and to thank you for the many courtesies shown this Department, and to pledge you my most hearty support in all your undertakings as Chief Executive for the up-building and betterment of conditions in Colorado.

My associations on the various Boards with yourself and other gentlemen connected with the administration have been most pleasant and profitable to me, and I hope the well-being of this Commonwealth has been greatly augmented by our labors in connection therewith.

I feel that your administration of affairs of this State for the past biennial period is one from which the people of Colorado will derive profit for many years. I hope to be of some assistance to you during your second administration, and shall strive most faithfully and to the best of my ability to improve on my past record.



I also desire to express my gratitude to all the gentlemen who have been associated with us. While the fortunes of political warfare has somewhat changed the status of our executive family, I feel no fear in saying that it is my belief that the biennial period approaching will in many respects be an improvement on the most excellent record of the administration soon to be closed.

It is well known to those who have had the honor to serve as executive officers of Colorado that, considered as a financial advancement, such positions in themselves are a failure, and as such hold out no hope for the future, for every man who serves in these positions with honor to himself and credit to his State, does so at a financial sacrifice, as the ability required and the time and attention given, if devoted to private business or the professions, are more remunerative from the dollar standpoint than that obtained from a public position.

There is, therefore, that ambition to surpass our predecessors in all those things which commend themselves to the people of the State, and while we become impoverished in meeting the many demands made on our private exchequers for charitable and other purposes, yet we are rich in the knowledge that much good has been accomplished; that progressive ideas have been encouraged and that advanced ground has been taken and held; that for honesty in governmental affairs, economy in the transaction of the State's business and efficiency in public service Colorado now stands well to the head in the galaxy of the sister States of the Union.

I am, sir,

Respectfully yours,

JAMES B. PEARCE,  
Secretary of State.



SUMMARY  
OF  
Receipts and Disbursements

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December 1, 1908, to November 30, 1910  
Inclusive

## BIENNIAL REPORT.

## RECEIPTS.

DECEMBER 1, 1908, TO NOVEMBER 30, 1910.

5373	Annual reports .....	\$ 22,591.00	
3073	Articles of incorporation.....	240,767.20	
517	Amendments to original articles, etc.....	22,767.86	
1345	Certified copies .....	6,152.75	
683	Certificates of impression of seals.....	2,207.50	
600	Certificates of paid-up stock.....	4,078.00	
1490	Notary commissions and duplicates.....	8,934.00	
3138	Certificates of authority and duplicates.....	14,656.50	
741	Session laws (various years).....	1,105.60	
1071	Revised statutes (1908).....	8,032.50	
289	Corporation laws (as amended to September, 1909).....	866.00	
188	Business and agent (foreign).....	940.00	
148	Copy of laws (foreign).....	740.00	
2297	Miscellaneous items not included in above.....	4,878.35	
			\$339,217.26
	Receipts flat tax or annual corporation license tax department, regular account .....	\$145,618.53	
	Receipts flat tax or annual corporation license tax department, protested fees .....	12,253.75	
			\$157,872.28
	Receipts brand department—		
	3,562 brands .....	\$ 6,477.00	
	112 books and supplements.....	159.50	
	32 certified copies .....	19.00	
			\$ 6,655.50
	Grand total .....		\$503,745.04

Total number of incorporations filed during the biennial period is 3,073. Of this number for the year 1909, 68 were foreign and 1,491 domestic. For the year 1910, 78 were foreign and 1,436 domestic.

The number of new brands accepted for record during the past two years is 3,562. The number of brand books and supplements sold, 112, and 32 certified copies of brands made.

The following table shows monthly receipts of each department; also disposition of the receipts, as shown by the books of this office, during biennial period from December 1, 1908, to November 30, 1910:

Month and Year.	Incorporation or Main Account.	Flat Tax.	Brand.	Total.
Dec., 1908 .....	\$ 9,824.20	\$ 1,801.55	\$ 250.50	\$ 11,876.25
Jan., 1909 .....	9,849.50	2,546.14	200.00	12,595.64
Feb., 1909 .....	16,737.10	7,350.42	213.00	24,300.52
Mch., 1909 .....	12,577.10	5,083.35	295.00	17,955.45
Apr., 1909 .....	10,164.75	20,149.14	406.00	30,720.39
May, 1909 .....	8,627.45	3,789.66	389.00	12,806.11
June, 1909 .....	8,047.25	1,099.99	405.50	9,552.74
July, 1909 .....	8,259.60	2,164.72	259.50	10,683.82
Aug., 1909 .....	11,055.20	2,980.00	246.00	14,281.20
Sept., 1909 .....	80,245.70	23,810.53	213.00	104,269.03
Oct., 1909 .....	11,836.00	10,023.80	228.00	22,087.80
Nov., 1909 .....	12,894.60	2,704.57	299.00	15,898.17
Totals fiscal year 1909.....	\$200,118.25	\$ 83,503.87	\$ 3,405.00	\$287,027.12
Dec., 1909 .....	\$ 9,215.95	\$ 2,116.94	\$ 225.00	\$ 11,557.89
Jan., 1910 .....	10,418.60	1,909.78	270.00	12,658.38
Feb., 1910 .....	23,595.60	15,232.53	210.50	39,038.63
Mch., 1910 .....	17,184.16	8,400.00	276.00	25,860.16
Apr., 1910 .....	10,802.50	25,486.58	273.50	36,662.58
May, 1910 .....	12,720.90	7,381.26	374.50	20,476.66
June, 1910 .....	15,455.45	3,194.13	340.50	18,990.08
July, 1910 .....	7,858.80	2,070.92	200.00	10,129.72
Sept., 1910 .....	8,131.55	1,576.24	212.50	9,920.29
Oct., 1910 .....	8,956.10	1,037.70	276.00	10,269.80
Nov., 1910 .....	7,686.20	1,029.69	233.00	8,948.89
Aug., 1910 .....	7,073.20	4,872.04	259.00	12,204.84
Totals fiscal year 1910.....	\$139,099.01	\$ 74,368.41	\$ 3,250.50	\$216,717.92
Grand totals, biennial period, years 1909 and 1910.....	\$339,217.26	\$157,872.28	\$ 6,655.50	\$503,745.04
Biennial period, years 1907 and 1908.....	\$289,126.40	\$ 94,733.05	\$ 6,036.75	\$389,896.20
Increase, years 1909 and 1910 over 1907 and 1908 .....	\$ 50,090.86	\$ 63,139.23	\$ 618.75	\$113,848.84

## DISBURSEMENTS.

## MAIN OR INCORPORATION DEPARTMENT.

As per State Treasurer's receipts (monthly turn over) for period from Dec. 1, '08, to Jan. 12, '09.....	\$ 13,693.65
For period from Jan. 12, '09, to Nov. 20, '10.....	324,601.61
Check to be collected by Attorney General given for fees collected.....	122.00
Check No. 110, First National Bank to Smith-Brooks Printing Co., ac- count corporation laws .....	800.00
Total .....	\$339,217.26

## ANNUAL CORPORATION LICENSE TAX OR FLAT TAX DEPARTMENT.

As per State Treasurer's receipts (monthly turn over) for period from Dec. 1, '08, to Jan. 12, '09.....	\$ 2,149.09
For period from Jan. 12, '09, to Nov. 30, '10.....	155,723.19
Total .....	<u>\$157,872.28</u>

## BRAND DEPARTMENT.

For period from Dec. 1, '08, to Jan. 12, '09, receipts.....	\$311.50
Receipts accounted for by payment of State Treasurer balance....	<u>200.28</u>
	\$ 111.22
Clerks, advertising, printing, postage, salaries for period from Jan. 12, '09, to Nov. 30, '10.....	\$6,299.11
Treasurer receipt balance on hand Nov. 30, '10.....	245.17
Total .....	<u>\$6,655.50</u>

# GENERAL INCIDENTAL FUND

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Accounts with the Various Departments  
of State

## BIENNIAL REPORT

## GOVERNOR.

Dr.	Cr.
April 30, 1909, H. B. No. 620 App.....	\$2,300.00
Feb. 7, 1910 Transfer by resolution. Auditing board to Equalization Board .....	\$ 200.00
July 8, 1910 Transfer by resolution. Auditing Board to Emergency Fund .....	200.00
July 22, 1910 Transfer by resolution. Auditing Board to Health Board .....	50.00
Dec. 1, 1908, to	
Nov. 30, 1910 Vouchers issued .....	642.43
Unexpended balance .....	1,207.57
	\$2,300.00

## SECRETARY OF STATE.

Dr.	Cr.
April 30, 1909, H. B. No. 620 App....	\$16,000.00
*Feb. 7, 1910 Transfer by resolution. Auditing Board to Equalization Board .....	\$ 200.00
*July 8, 1910 Transfer by resolution. Auditing Board to Emergency Fund .....	200.00
*July 22, 1910 Transfer by resolution. Auditing Board to Health Board .....	50.00
Dec. 1, 1908, to	
Nov. 30, 1910 Vouchers issued .....	12,700.86
Unexpended balance .....	2,849.14
	\$16,000.00

## STATE TREASURER.

Dr.	Cr.
April 30, 1909, H. B. No. 620 App....	\$ 2,500.00
Feb. 7, 1910 Transfer by resolution. Auditing Board to Equalization Board .....	\$ 200.00
July 8, 1910 Transfer by resolution. Auditing Board to Emergency Fund .....	200.00
July 22, 1910 Transfer by resolution. Auditing Board to Health Board .....	50.00
Dec. 1, 1908, to	
Nov. 30, 1910 Vouchers issued .....	1,280.89
Unexpended balance .....	769.11
	\$ 2,500.00

## AUDITOR OF STATE.

Dr.	Cr.
April 30, 1909, H. B. No. 620 App.....	\$ 2,500.00
Feb. 7, 1910 Transfer by resolution. Auditing Board to Equalization Board .....	\$ 200.00
July 8, 1910 Transfer by resolution. Auditing Board to Emergency Fund .....	200.00
July 22, 1910 Transfer by resolution. Auditing Board to Health Board .....	50.00
Dec. 1, 1908, to	
Nov. 30, 1910 Vouchers issued .....	1,616.17
Unexpended balance .....	433.83
	\$ 2,500.00

\*In the above statement you will note the Auditing Board transferred \$450.00 of the \$16,000.00 appropriated by the Legislature for my use as an incidental fund, which transfer cannot be considered as an expenditure or disbursement by me. This, added to the unexpended balance, makes a total of \$2,299.14 turned back by me to the General Fund, instead of \$2,849.14, as shown above.



ATTORNEY GENERAL.

Dr.		Cr.
	April 30, 1909, H. B. No. 620 App.....	\$ 4,500.00
Feb. 7, 1910	Transfer by resolution. Auditing Board to Equalization Board .....	\$ 200.00
July 8, 1910	Transfer by resolution. Auditing Board to Emergency Fund .....	200.00
July 22, 1910	Transfer by resolution. Auditing Board to Health Board .....	50.00
Dec. 1, 1908, to		
Nov. 30, 1910	Vouchers issued .....	2,490.58
	Unexpended balance .....	1,559.42
		\$ 4,500.00
		\$ 4,500.00

SUPERINTENDENT PUBLIC INSTRUCTION.

Dr.		Cr.
	April 30, 1909, H. B. No. 620 App.....	\$ 2,425.00
Nov. 30, 1910	Transfer by resolution Auditing Board to Equalization Board .....	\$ 125.00
Dec. 1, 1908, to		
Nov. 30, 1910	Vouchers issued .....	1,835.88
	Unexpended balance .....	464.12
		\$ 2,425.00
		\$ 2,425.00

STATE ENGINEER.

Dr.		Cr.
	April 30, 1909, H. B. No. 620 App.....	\$ 4,700.00
Feb. 7, 1910	Transfer by Auditing Board to Game and Fish.\$	200.00
July 8, 1910	Transfer by resolution Auditing Board to Emergency Fund .....	200.00
July 22, 1910	Transfer by resolution Auditing Board to Health Board .....	50.00
Dec. 1, 1908, to		
Nov. 30, 1910	Vouchers issued .....	4,023.09
	Unexpended balance .....	226.91
		\$ 4,700.00
		\$ 4,700.00

SUPREME COURT.

Dr.		Cr.
	April 30, 1909, H. B. No. 620 App.....	\$ 4,000.00
Dec. 1, 1908, to		
Nov. 30, 1910	Vouchers issued .....	\$ 3,805.91
	Unexpended balance .....	134.09
		\$ 4,000.00
		\$ 4,000.00

BOARD OF CHARITIES AND CORRECTIONS.

Dr.		Cr.
	April 30, 1909, H. B. No. 620 App.....	\$ 1,200.00
Dec. 1, 1908, to		
Nov. 30, 1910	Vouchers issued .....	\$ 1,194.79
	Unexpended balance .....	5.21
		\$ 1,200.00
		\$ 1,200.00

## BIENNIAL REPORT

## BOARD OF EQUALIZATION.

Dr.			Cr.
	April 30, 1909, H. B. No. 620 App.....		\$ 1,120.00
Dec. 1, 1908,			
to			
Nov. 30, 1910	Vouchers issued .....	\$ 2,229.01	
	Unexpended balance .....	15.99	
Feb. 7, 1910	Auditing Board, from various accounts.....		1,000.00
Nov. 30, 1910	Auditing Board, from Superintendent of Public Instruction .....		125.00
			<hr/>
		\$ 2,245.00	\$ 2,245.00

## BOARD OF HEALTH.

Dr.			Cr.
	April 30, 1909, H. B. No. 620 App.....		\$ 1,250.00
Dec. 1, 1908,			
to			
Nov. 30, 1910	Vouchers issued .....	\$ 1,609.52	
	Unexpended balance .....	40.48	
July 22, 1910	Auditing Board, from various accounts.....		400.00
			<hr/>
		\$ 1,650.00	\$ 1,650.00

## BOARD OF HORTICULTURE.

Dr.			Cr.
	April 30, 1909, H. B. No. 620 App.....		\$ 500.00
Dec. 1, 1908,			
to			
Nov. 30, 1910	Vouchers issued .....	\$ 367.45	
	Unexpended balance .....	132.55	
			<hr/>
		\$ 500.00	\$ 500.00

## BUREAU OF CHILD AND ANIMAL PROTECTION.

Dr.			Cr.
	April 30, 1909, H. B. No. 620 App.....		\$ 700.00
Dec. 1, 1908,			
to			
Nov. 30, 1910	Vouchers issued .....	\$ 849.90	
	Unexpended balance .....	.10	
Sept. 9, 1910	Auditing Board, from Traveling Library.....		150.00
			<hr/>
		\$ 850.00	\$ 850.00

## BUREAU OF MINES.

Dr.			Cr.
	April 30, 1909, H. B. No. 620 App.....		\$ 1,000.00
Dec. 1, 1908,			
to			
Nov. 30, 1910	Vouchers issued .....	\$ 666.48	
	Unexpended balance .....	333.52	
			<hr/>
		\$ 1,000.00	\$ 1,000.00

## DAIRY COMMISSIONER.

Dr.			Cr.
	April 30, 1909, H. B. No. 620 App.....		\$ 800.00
July 22, 1910	Transfer by resolution Auditing Board to Health Board .....	\$ 50.00	
Dec. 1, 1908,			
to			
Nov. 30, 1910	Vouchers issued .....	285.16	
	Unexpended balance .....	464.84	
			<hr/>
		\$ 800.00	\$ 800.00

## GAME AND FISH COMMISSIONER.

Dr.			Cr.
	April 30, 1909, H. B. No. 620 App.....		\$ 500.00
Dec. 1, 1908,			
to			
Nov. 30, 1910	Vouchers issued .....	\$ 703.85	
	Unexpended balance .....	196.15	
Feb. 4, 1910	Auditing Board from Engineer and R. R. Co..		400.00
		\$ 900.00	\$ 900.00

## PRINTING COMMISSIONER.

Dr.			Cr.
	April 30, 1909, H. B. No. 620 App.....		\$ 530.00
Dec. 1, 1908,			
to			
Nov. 30, 1910	Vouchers issued .....	\$ 457.74	
	Unexpended balance .....	72.26	
		\$ 530.00	\$ 530.00

## BOILER INSPECTOR.

Dr.			Cr.
	April 30, 1909, H. B. No. 620 App.....		\$ 300.00
Dec. 1, 1908,			
to			
Nov. 30, 1910	Vouchers issued .....	\$ 295.77	
	Unexpended balance .....	4.23	
		\$ 300.00	\$ 300.00

## INSPECTOR OF COAL MINES.

Dr.			Cr.
	April 30, 1909, H. B. No. 620 App.....		\$ 600.00
Dec. 1, 1908,			
to			
Nov. 30, 1910	Vouchers issued .....	\$ 528.46	
	Unexpended balance .....	71.54	
		\$ 600.00	\$ 600.00

## STATE HISTORICAL AND NATURAL HISTORY SOCIETY.

Dr.			Cr.
	April 30, 1909, H. B. No. 620 App.....		\$ 600.00
Dec. 1, 1908,			
to			
Nov. 30, 1910	Vouchers issued .....	\$ 600.00	
		\$ 600.00	\$ 600.00

## DEPUTY LABOR COMMISSIONER AND BUREAU OF LABOR STATISTICS

Dr.			Cr.
	April 30, 1909, H. B. No. 620 App .....		\$ 2,000.00
Dec. 1, 1908,			
to			
Nov. 30, 1910	Vouchers issued .....	\$ 1,639.03	
	Unexpended balance .....	360.97	
		\$ 2,000.00	\$ 2,000.00

## BANK COMMISSIONER.

Dr.			Cr.
	April 30, 1909, H. B. No. 620 App.....		\$ 1,000.00
Dec. 1, 1908,			
to			
Nov. 30, 1910	Vouchers issued .....	\$ 1,011.17	
	Unexpended balance .....	88.83	
Nov. 8, 1910	Auditing Board, from Railroad Commission....		100.00
		\$ 1,100.00	\$ 1,100.00

## CIVIL SERVICE COMMISSIONER.

Dr.	Cr.
April 30, 1909, H. B. No. 620 App.....	\$ 1,000.00
Dec. 1, 1908, to Nov. 30, 1910 Vouchers issued .....	\$ 959.01
Unexpended balance .....	40.99
	<hr/> \$ 1,000.00 \$ 1,000.00

## EMERGENCY FUND.

Dr.	Cr.
April 30, 1909, H. B. No. 620, App.....	\$ 6,000.00
Dec. 1, 1908, to Nov. 30, 1910 Vouchers by Secretary of State, approved by Auditing Board .....	\$ 3,146.73
Vouchers by Committee on Printing, charged this account by Auditing Board.....	5,233.60
Vouchers Board of Canvassers and miscellane- ous account. No appropriation.....	125.00
Vouchers drawn by Auditor, mileage and at- tendance electors for State of Colorado.....	256.00
Unexpended balance .....	38.67
July 8, 1910 Auditing Board, from various accounts.....	1,400.00
Nov. 18, 1910 Auditing Board, from Railroad Commission....	400.00
Nov. 30, 1910 Auditing Board, from Railroad Commission....	1,000.00
	<hr/> \$ 8,800.00 \$ 8,800.00

## TRAVELING LIBRARY COMMISSIONER.

Dr.	Cr.
April 30, 1909, H. B. No. 620 App.....	\$ 400.00
Sept. 8, 1910 Transfer by resolution Auditing Board to Child and Animal Protection.....	\$ 150.00
Dec. 1, 1908, to Nov. 30, 1910 Vouchers issued .....	172.42
Unexpended balance .....	77.58
	<hr/> \$ 400.00 \$ 400.00

## RAILROAD COMMISSION.

Dr.	Cr.
April 30, 1909, H. B. No. 620 App.....	\$ 3,000.00
Feb. 7, 1910 Transfer by resolution Auditing Board to Game and Fish .....	\$ 200.00
July 8, 1910 Transfer by resolution Auditing Board to Emergency Fund .....	200.00
July 22, 1910 Transfer by resolution Auditing Board to Health Board .....	50.00
Nov. 18, 1910 Transfer by resolution Auditing Board to Bank Commissioner .....	100.00
Nov. 18, 1910 Transfer by resolution Auditing Board to Emergency Fund .....	400.00
Nov. 30, 1910 Transfer by resolution Auditing Board to Emergency Fund .....	1,000.00
Dec. 1, 1908, to Nov. 30, 1910 Vouchers issued .....	544.73
Unexpended balance .....	505.27
	<hr/> \$ 3,000.00 \$ 3,000.00

FREE EMPLOYMENT BUREAU FUND.

Dr.		Cr.
	April 30, 1909, H. B. No. 620 App.....	\$ 4,000.00
Dec. 1, 1908,		
to		
Nov. 30, 1910	Vouchers issued .....	\$ 3,987.47
	Unexpended balance .....	21.53
		\$ 4,000.00 \$ 4,000.00

The following is the recapitulation of the unexpended balances of the appropriation for each department, showing the total amount to be transferred to the General Fund:

GENERAL INCIDENTAL FUND.

Dr.		Cr.
	April 30, 1909, H. B. No. 620 App.....	\$ 65,425.00
Dec. 1, 1908,		
to		
Nov. 30, 1910	Vouchers issued .....	\$ 55,310.10
	Unexpended balance .....	10,114.90
		\$ 65,425.00 \$ 65,425.00

DISTRIBUTION OF UNEXPENDED BALANCES.

Governor .....	\$ 1,207.57
Secretary of State (\$3,299.14. See note, page 54).....	2,849.14
State Treasurer .....	769.11
Auditor of State.....	433.83
Attorney General .....	1,559.42
Superintendent of Public Instruction.....	464.12
State Engineer .....	226.91
Supreme Court .....	134.09
Board of Charities and Correction.....	5.21
Board of Equalization.....	15.99
Board of Health.....	40.48
Board of Horticulture.....	132.55
Bureau of Child and Animal Protection.....	.10
Bureau of Mines.....	333.52
Dairy Commissioner .....	464.84
Game and Fish Commissioner.....	196.15
Printing Commissioner .....	72.26
Boiler Inspector .....	4.23
Inspector of Coal Mines.....	71.54
State Historical and Natural History Society.....	.....
Deputy Labor Commissioner and Bureau of Statistics.....	360.97
Traveling Library Commissioner.....	77.58
Railroad Commission .....	505.27
Bank Commissioner .....	88.83
Civil Service Commissioner .....	40.99
Emergency Fund .....	38.67
Free Employment Bureau (expenses).....	21.53
Unexpended balance appropriation General Incidental fund .....	\$ 10,114.90



# SALARY FUND

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Secretary of State's Office

Deputy Labor Commissioner and Bureau of  
Labor Statistics

Free Employment Bureaus

Denver  
Colorado Springs  
Pueblo

## SECRETARY OF STATE.

Dr.		Cr.
	January 25, 1909, H. B. No. 44 App.....	\$ 1,333.33
Dec. 1, 1908,		
to		
Mch. 31, 1909	Vouchers issued .....	\$ 1,217.73
Nov. 29, 1910	Unexpended balance .....	115.60
		<hr/>
		\$ 1,333.33 \$ 1,333.33

## DEPUTY SECRETARY OF STATE.

Dr.		Cr.
	April 20, 1909, H. B.'s No. 44 and 620 App.	\$ 5,000.00
Dec. 1, 1908,		
to		
Nov. 30, 1910	Vouchers issued .....	\$ 5,000.00
		<hr/>
		\$ 5,000.00 \$ 5,000.00

## DEPUTY LABOR COMMISSIONER.

Dr.		Cr.
	April 20, 1909, H. B.'s No. 44 and 620 App.	\$ 3,600.00
Dec. 1, 1908,		
to		
Apr. 30, 1909	Vouchers issued .....	\$ 695.00
Nov. 29, 1910	Unexpended balance .....	2,905.00
		<hr/>
		\$ 3,600.00 \$ 3,600.00

## CHIEF CLERK.

Dr.		Cr.
	April 20, 1909, H. B.'s No. 44 and 620 App.	\$ 3,600.00
Dec. 1, 1908,		
to		
Nov. 30, 1910	Vouchers issued .....	\$ 3,600.00
		<hr/>
		\$ 3,600.00 \$ 3,600.00

## BOOKKEEPER.

Dr.		Cr.
	April 20, 1909, H. B.'s No. 44 and 620 App.	\$ 3,000.00
Dec. 1, 1908,		
to		
Nov. 30, 1910	Vouchers issued .....	\$ 3,000.00
		<hr/>
		\$ 3,000.00 \$ 3,000.00

## INDEX CLERK.

Dr.		Cr.
	April 20, 1909, H. B.'s No. 44 and 620 App.	\$ 3,000.00
Dec. 1, 1908,		
to		
Nov. 30, 1910	Vouchers issued .....	\$ 3,000.00
		<hr/>
		\$ 3,000.00 \$ 3,000.00

## CHIEF CLERK FLAT TAX.

Dr.		Cr.
	April 20, 1909, H. B.'s No. 44 and 620 App.	\$ 3,000.00
Dec. 1, 1908,		
to		
Nov. 30, 1910	Vouchers issued .....	\$ 3,000.00
		<hr/>
		\$ 3,000.00 \$ 3,000.00

## FLAT TAX CLERKS (3).

Dr.		Cr.
	April 20, 1909, H. B.'s No. 44 and 620 App.	\$ 7,200.00
Dec. 1, 1908,		
to		
Nov. 30, 1910	Vouchers issued .....	\$ 7,176.65
	Unexpended balance .....	23.35
		<hr/>
		\$ 7,200.00 \$ 7,200.00



## STENOGRAPHERS.

Dr.	April 20, 1909, H. B.'s No. 44 and 620 App.	Cr,	\$ 7,200.00
Dec. 1, 1908,			
to			
Nov. 30, 1910	Vouchers issued .....	\$	7,200.00
		\$	7,200.00
		\$	7,200.00

## UTILITY CLERK.

Dr.	April 20, 1909, H. B. No. 620 App.....	Cr,	\$ 2,000.00
Dec. 1, 1908,			
to			
Nov. 30, 1910	Vouchers issued .....	\$	2,000.00
		\$	2,000.00
		\$	2,000.00

## CHIEF BRAND CLERK.

Dr.	April 20, 1909, H. B.'s No. 44 and 620 App.	Cr,	\$ 3,600.00
Dec. 1, 1908,			
to			
Nov. 30, 1910	Vouchers issued .....	\$	3,600.00
		\$	3,600.00
		\$	3,600.00

## BRAND CLERK.

Dr.	April 20, 1909, H. B. No. 620 App.....	Cr,	\$ 2,000.00
Dec. 1, 1908,			
to			
Nov. 30, 1910	Vouchers issued .....	\$	2,000.00
		\$	2,000.00
		\$	2,000.00

## CLERKS AND CLERICAL ASSISTANTS.

Dr.	April 20, 1909, H. B.'s No. 44 and 620 App.	Cr,	\$ 24,000.00
Dec. 1, 1908,			
to			
Nov. 30, 1910	Vouchers issued .....	\$	23,942.85
	Unexpended balance .....		57.15
		\$	24,000.00
		\$	24,000.00

## DEPUTY LABOR COMMISSIONER OF BUREAU OF LABOR STATISTICS.

Dr.	April 20, 1909, H. B. No. 166 App.....	Cr,	\$ 4,034.73
Apr. 30, 1909,			
to			
Nov. 30, 1910	Vouchers issued .....	\$	4,034.73
		\$	4,034.73
		\$	4,034.73

## STATISTICIAN.

Dr.	April 20, 1909, H. B. No. 166 App.....	Cr,	\$ 2,420.83
Apr. 30, 1909,			
to			
Nov. 30, 1910	Vouchers issued .....	\$	2,387.50
	Unexpended balance .....		33.33
		\$	2,420.83
		\$	2,420.83

## STENOGRAPHER.

	April 20, 1909, H. B. No. 166 App.....		\$ 1,936.67
Apr. 30, 1909,			
to			
Nov. 30, 1910	Vouchers issued .....	\$	1,936.67
		\$	1,936.67
		\$	1,936.67

## FREE EMPLOYMENT BUREAUS.

Dr.		Cr.
	April 20, 1909, H. B. No. 620 App.....	\$ 13,200.00
Dec. 1, 1909, to		
Nov. 30, 1910	Vouchers issued .....	\$ 13,183.31
	Unexpended balance .....	16.69
		<u>\$ 13,200.00</u> <u>\$ 13,200.00</u>

## SALARY VOUCHER ACCOUNT, SECRETARY OF STATE'S OFFICE.

Dr.		Cr.
	April 20, 1909, H. B.'s No. 44 and 620 App.	\$ 90,125.56
Dec. 1, 1908, to		
Nov. 30, 1910	Vouchers issued .....	\$ 86,974.44
	Unexpended balance .....	3,151.12
		<u>\$ 90,125.56</u> <u>\$ 90,125.56</u>

## RECAPITULATION OF UNEXPENDED BALANCES OF SALARY FUND.

Secretary of State.....	\$ 115.60
Deputy Labor Commissioner.....	2,905.00
Free Employment Bureaus.....	16.69
Deputy Labor and Bureau of Statistics.....	33.33
Flat tax clerks (3).....	23.35
Clerks and clerical assistants.....	57.15
Unexpended balance .....	<u>\$ 3,151.12</u>

MISCELLANEOUS  
ACCOUNTS

## LEGISLATIVE EXPENSE FUND.

Dr.		Cr.
	April 30, 1909, H. B. No. 620 App.....	\$ 10,000.00
Jan. 6, 1909, to Nov. 30, 1910	Vouchers issued by Secretary of State—supplies.\$	2,078.93
	Vouchers issued by Commissioner of Printing..	7,217.94
	Amounts charged by Auditing Board.....	734.13
	Unexpended balance .....	8.58
Aug. 10	By error Law Board.....	39.58
		<u>\$ 10,039.58</u> <u>\$ 10,039.58</u>

## LEGISLATIVE INCIDENTAL EXPENSE FUND—EXTRA SESSION.

Dr.		Cr.
	September 7, 1910, H. B. No. 15 App.....	\$ 1,000.00
Sept. 7, 1910, to Nov. 30, 1910	Vouchers issued by Secretary of State.....\$	604.32
	Unexpended balance .....	395.68
		<u>\$ 1,000.00</u> <u>\$ 1,000.00</u>

## PUBLICATION OF CONSTITUTIONAL AMENDMENTS.

Dr.		Cr.
	H. B. No. 44 App.....	\$ 12,000.00
Dec. 1, 1908, to Nov. 30, 1910	Vouchers issued .....	\$ 11,904.20
	Unexpended balance .....	95.80
		<u>\$ 12,000.00</u> <u>\$ 12,000.00</u>

## DEPUTY LABOR COMMISSIONERS' TRAVELING EXPENSES.

Dr.		Cr.
	H. B.'s No. 44 and 620 App.....	\$ 1,000.00
Dec. 1, 1908, to Nov. 30, 1910	Vouchers issued .....	\$ 518.11
	Unexpended balance .....	481.89
		<u>\$ 1,000.00</u> <u>\$ 1,000.00</u>

## CHECKING, COPYING, INDEXING AND COMPILING HOUSE AND SENATE JOURNALS AND SESSION LAWS—REGULAR SESSION.

Dr.		Cr.
	April 30, 1909, H. B.'s No. 44 and 620 App.	\$ 2,000.00
Jan. 6, 1909, to Nov. 30, 1910	Vouchers issued .....	\$ 1,900.00
Nov. 30, 1910	Unexpended balance .....	100.00
		<u>\$ 2,000.00</u> <u>\$ 2,000.00</u>

## CHECKING, COPYING, INDEXING AND COMPILING HOUSE AND SENATE JOURNALS AND SESSION LAWS—EXTRA SESSION.

Dr.		Cr.
	September 7, H. B. No. 15 App.....	\$ 500.00
Sept. 7, 1910, to Nov. 30, 1910	Vouchers issued .....	\$ 500.00
		<u>\$ 500.00</u> <u>\$ 500.00</u>

RECAPITULATION OF UNEXPENDED BALANCES MISCELLANEOUS  
ACCOUNTS.

Legislative Expense Fund.....	\$ 8.58
Legislative Incidental Expense Fund.....	395.68
Publication of constitutional amendments.....	95.80
Deputy Labor Commissioners' traveling expenses.....	481.89
Checking, copying, indexing and compiling House and Senate Journals and session laws—regular session.....	100.00
Total .....	<u>\$ 1,081.95</u>

## INDEX

	Page
Letter of Transmittal.....	3
Flat Tax .....	5
Brand Department .....	8
Foreign Corporations; Basis of Fees.....	10
Names of Corporations.....	11
Directors of Corporations.....	11
Assessors to be required to report names of Corporations.....	12
Annual Reports (Corporations).....	12
Inactive Corporations .....	13
Corporation Laws .....	14
Contract for State Advertising.....	15
Public Printing .....	16
Legislative Printing .....	18
Constitutional Amendments .....	19
Revised Statutes, 1908.....	20
Session Laws .....	21
Capitol Board .....	22
Auditing Board .....	25
Election Laws .....	26
Board of State Canvassers.....	26
Public Accountant .....	28
Appropriations .....	40
New Indices .....	41
Organized Capital and Organized Labor.....	41
Northern Coal Field Strike.....	43
Factory Inspection .....	45
Conclusion .....	46



